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LOYOLA UNIVERSITY CHICAGO

SPECIAL EDUCATION DISPROPORTIONALITY THROUGH A SOCIAL LENS: A MIXED
METHODS APPROACH

A DISSERTATION SUBMITTED TO
THE FACULTY OF THE GRADUATE SCHOOL
IN CANDIDACY FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

PROGRAM IN RESEARCH METHODOLOGY

BY

MARIANNE J. FIDISHIN

CHICAGO, ILLINOIS

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For the late Stephen Francis, Joan Lucille, and Stephanie Marie Fidishin

Schools serve the same social functions as prisons and mental institutions—to define, classify, control, and regulate people.

— Michel Foucault

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ABSTRACT

The disproportionate nature of special education, notably with African American students, is longstanding and most pronounced in judgmental eligibility categories such as intellectual disability and emotional disturbance. Numerous studies on disproportionality conclude there is not a single causative factor, but point to the multifactorial nature of the issue and the complex interplay among different factors. Research related to the role social factors exhibited in an institution have on special education referral and eligibility determination is more limited. This is important since practices employed during the eligibility process take place within the institution's social environment and are underpinned by the beliefs and values of those that administer the process. By employing a mixed methods study design, the author examined the following questions: 1) are minority students, particularly African American elementary school students, more likely to be disproportionately represented in special education eligibilities across school districts in the county, and if so which ones; 2) within the referral and eligibility process employed, what criteria are used to determine the eligibility emotional disturbance; and 3) do the commonly held perceptions and practices present within the school district's culture influence the process and decision-making for eligibility?

Quantitative data were obtained from appropriate Illinois State Board of Educations (ISBE) websites and through a Freedom of Information Act request to the State Board of Education for specific data and statistics related to the special education population for 116 elementary school districts in a suburban midwestern county. Data showed 11

school districts demonstrated disproportionality, a risk ratio >3.0 , for years 2011-2013. Of these, eight involved the African American student, with six school districts disproportionality centered on emotional disturbance thereby qualifying as potential candidates for Phase 2. Important to note, unlike previous research on disproportionality that examined school districts with predominantly Caucasian or even more diverse student populations, this study's school district was primarily Hispanic, 94%, with African Americans making up 2% of students. This provided a unique opportunity to study two minority populations.

The second phase of the study employed a qualitative approach of in-depth, semi-structured face-to-face interviews of key professionals involved in special education eligibility determination from the selected school district. Findings revealed two broad points related to the social environment of the school district that appeared to impact the referral and eligibility process. First is the strength of administrative leadership vis-à-vis process implementation and second is the sociocultural environment of the district.

In this case, leadership was passive when it came to ensuring fidelity to tiered intervention plans, a critical component of the referral process. Basically leadership allowed fidelity and accountability to the intervention process by teachers to be lackluster at best or worst case absent. Consequently, teachers more resistant to engaging in the intervention process tended to have higher student referrals.

The sociocultural environment of the school district studied is comprised basically of two divergent economic classes, the middle class predominately Caucasian educators/administrators and the student population who are of low to very low economic status and predominately of two racial/ethnic minorities. Comments consistently emerged from interviewees regarding

differences seen between the Hispanic and African American students culturally, their perceived value structures, and observable behaviors.

A key insight from this research was being a racial/ethnic minority does not per se lead to disproportionate representation in the emotional disturbance eligibility, the dominant culture of the social composition of the student population influences the perceptions and understanding of the educators and professionals who, for the most part, are Caucasian, middle class and more often than not female. Basically, there is an acclimatization of the educators to the culture, behaviors and values of the dominant group against which other racial/ethnic behaviors and values are positioned and judged. The culture, values and behaviors of, in this case, Hispanics students were perceived to be different than that of the African American student and less tolerated.

The intent of this researcher was to provide data that advanced the knowledge of how the social environment of a district interplays with its' professionals' belief to shape decision-making and how, in turn, this impacted the issue of overrepresentation of African American students in special education, specifically emotionally disturbed. This study has shown primary contributors to referral and eligibility was poor school leadership over intervention implementation and differences between the social norms and cultural perspectives of the school environment stakeholders and those of African American students. It is critical from both scholarly and applied practice perspectives that an ongoing effort to implement culturally responsive pedagogy within the school environment. Similarly, research focusing on interventions designed to shape teachers' perceptions of student behavior is essential to ensure not only equitable educational opportunities, but also eradicate disproportionality.

CHAPTER 1

INTRODUCTION

The overrepresentation of African American students in special education is well documented, widespread and persistent. Since the 1975 passage of Public Law 94-142, the Education for Handicapped Children Act, researchers have voiced concerns about minority overrepresentation, especially African American males, in special education placements. A concentrated effort has been made nationally to identify factors contributing to minority overrepresentation in addition to establishing strategies for eradication. However, special education disproportionality is long-standing, pervasive, and, it appears, in no risk of being eliminated in the near future.

Congress passed *Public Law 94-142, The Education for Handicapped Children Act (EHCA)* in 1975 in which all children were legislatively granted the right to free, appropriate, public education. Up to that point in time, most states continued to allow school districts to refuse enrollment of any student they, arbitrarily, considered *uneducable* (Itkonen, 2007; Martin et al., 1996). Even if school districts did enroll such children, they were often misplaced into programs inappropriate for the child's needs. For example, severely impaired students were isolated in classrooms with little to no interaction with other students or curriculum.

Once special education programs in schools began to materialize, scholars and practitioners promptly noted a disturbing phenomenon: African American students were

rapidly becoming the most prevalent race/ethnicity in classrooms dedicated to children identified as mentally retarded. So much a concern was this that shortly after the passage of *EHCA*, California courts addressed the issue in *Larry P. v. Riles* (1979). At the time, only 9% of the California population was African American compared to 27% of the students placed in Educable Mentally Retarded (EMR) classrooms. In an effort to quell the over-identification of African American students, the court ruled that intelligence quotient (IQ) scores could not be the sole determinant of placement in educable mentally retarded (EMR) classrooms. Additionally, the ruling emphasized:

the segregative intent...to assign a grossly disproportionate number of Black children to the special EMR classes, and it was manifested, inter alia, in the use of unvalidated and racially and culturally biased placement criteria. This intent, consistent only with an impermissible and unsupportable assumption of a higher incidence of mental retardation among Blacks, cannot be allowed in the face of the constitutional prohibition of racial discrimination. (*Larry P. v. Riles*, 1979)

Similarly, in 1978, the Office of Civil Rights called attention to the degree of special education placement disproportionality nationally indicating that despite comprising 16% of all school students in the nation, 38% of students placed in educable mentally retarded classes were African American (Maheady, Towne, Algozzine, Mercer & Ysseldyke, 1983).

Decades later, disproportionality still remains a persistent problem. Blanchett (2006) defined disproportionality as “existing when students’ representation in special education programs or specific special education categories exceeds their proportional enrollment in a school’s general population” (p.24). Disproportionality in special education populations appears to occur mostly in what O’Conner and Fernandez (2006) describe as *judgmental categories* of eligibility (p. 6). Oswald, Coutinho, Best, and Singh (1999) found that African American students are approximately 1.5 times more likely identified as seriously emotionally disordered

(SED) than their Caucasian peers. Many researchers and practitioners allege disproportionality is the product of economics and demographics. However, once all variables are controlled, the overwhelming factor in eligibility determinations of SED is race/ethnicity, results supported by several researchers including Hosp and Reschly (2004) and Skiba, Simmons, Ritter, Gibb, Rausch, Cuadrado and Chung (2008).

Disproportionality is not simply a statistical measure but has significant material consequences in later life. It jeopardizes life chances for over-identified students. Restrictive classrooms that offer less rigorous academic exposure “continues the spiral of ‘lower levels of achievement, decreased likelihood of post secondary education, and more limited employment’” (Patton, 1988, p.25).

The disconcerting nature of disproportionality has led to further legislative action. The most recent reauthorization of *Individuals with Disabilities Education Act (IDEA)* in 2004 established a performance plan for state education agencies (SEAs). Specifically, the United States Department of Education, Office of Special Education Programs (OSEP) identifies 20 indicators designed to not only guide SEAs in their implementation of *IDEA*, but also to report progress and performance on Local Education Agency (LEA) implementation (Part B Indicators, 2013). Of the twenty indicators, one is disproportionate representation of racial and ethnic groups in special education.

Much social science and educational research has attempted to identify the underlying causes of or factors contributing to special education disproportionality. What emerges from this work is the multifaceted nature of the issue and the interdependence among the likely factors contributing to it. The research on causative factors can be categorized into four (4) broad areas:

1) biological aspects inclusive of the long-standing intelligence debate of nature versus nurture (Deutch, 1969; Jensen, 1969; Lynn, 1997; Rutledge, 1995); 2) environmental aspects (Artiles, Kozeleski, Trent, Osher & Ortiz, 2010; Hosp & Reschly, 2004; Oswald et al., 1999; Vallas, 2009); 3) referral and assessment bias (Artiles et al., 2010; Harry, 1994; Harry & Anderson, 1994; Hosp & Reschly, 2004; Skiba, Knesting & Bush, 2002; Skiba, Simmons, Ritter, Gibb, Rausch, Cuadrado, & Chung, 2008; Vallas, 2009); and 4) cultural aspects including poor cultural responsiveness (Artiles et al., 2010; Blanchett, 2006; Harry & Anderson, 1994; Oakes, 1982; O'Conner & Fernandez, 2006; Oswald, Coutinho, Best & Singh, 1999; Patton, 1988; Skiba, Simmons, Ritter, Kohler, Henderson & Wu, 2006; Skiba et al., 2008; Vallas, 2009).

Of the many identified factors contributing to disproportionality, the continued use of IQ scores in the eligibility and assessment process for placement in a special education program is remarkable in its resiliency. Scholars maintain influences such as poverty and lack of educational opportunities as factors substantially affecting intelligence scores and behavioral outcomes. While abundant evidence points to educational inequality as well as the home environment as critical factors influencing intelligence quotients (Gordon, 1995; Hosp & Hosp, 2001; Jaeger, 2011; Molfese & Molfese, 2002; Sektan, McClelland, Acock & Morrison, 2010; Wolf, 1995) and behavioral outcomes, race remains the most influential contributor. Despite all knowledge and information, lack of consideration for environmental factors continues to be a dominant factor used to determine African American children eligibility for special education services.

Acknowledging the existence of disproportionality is only the first step towards elimination. Employing strategies designed to address and eradicate, or at least substantially

reduce, contributing factors is the next necessary measure. Jordan (2005) notes much research focuses on the referral process and substantiates that teacher referral and judgment account for more than 80 percent of identification and placement in special education settings. Further, special education placement is tied closely to teacher's assumptions about their students' cultural background or differences in the classroom. Alerted to the disproportionality concern within the first eight years of *EHCA*, Maheady, Towne, Algozzine, Mercer and Ysseldyke (1983) called for a proactive approach to instruction well before the special education initial evaluation referral. They suggested a pre-referral process emphasizing intensive reading instruction, data-driven decision making, and adapting teaching style and strategies to meet the learning styles of all students. Ahead of their time, that educational approach 30 years later become mandated in the 2004 reauthorization of IDEA and is contemporarily known as multi-tiered systems of support (MTSS) (Decker, Englund & Albritton, 2012). Once this model was incorporated by select school districts across the nation, strong evidence has emerged to support this approach as a viable solution to eliminating African American overrepresentation in referral and placement (Coutinho & Oswald, 2000; Gravois & Rosenfield, 2006; Harry & Anderson, 1994; Serna, Forness & Nielson, 1998; Skiba, Simmoms & Ritter, 2008; Vallas, 2009). Although promising, evidence also appears to indicate that, unless this pre-referral model is implemented nationally and with fidelity, the reduction of disproportionality will be minimally impacted.

Special education is a service for students accurately and appropriately identified in need. It is not a strategy delivered in lieu of classroom instruction and/or behavior management. Skiba et al. (2008) suggested addressing disproportionality through increased focus on teacher instructional strategy development and improvement of behavior management skills, increased

cultural responsiveness, and an emphasis on functional versus formative assessment processes.

Further suggestions included increasing parent and community involvement in the decision making process to involve multiple stakeholders in the process, thus eliminating institutional bias (Harry & Anderson, 1994; Skiba et al., 2008). Or more fundamentally as Harry and Anderson (1994) implored, “label services rather than students” (p. 615). Coutinho and Oswald (2000) took this further and contended that, to truly eliminate disproportionality, school policy must be established to reflect public support for minority students in the educational system, their particular needs, and the subsequent strategies necessary to effectively instruct students of color.

As scholars investigated the instructional factors contributing to disproportionality, some chose to view the phenomenon through a more social lens. Sleeter (1986) argued school structures are connected with the needs of the “dominant economic and political groups in society” (p. 47), hence suggesting the eligibility of *learning disabilities* as socially constructed. Mehan (1992) similarly sought to explain special education, or rather special education inequality, from a sociological perspective stating, “...it is not possible to have special education students without institutional practices for their recognition and treatment” (p.13). Culture strongly affects knowledge and, for those who produce the knowledge, Patton (1998) asserted that particular assumptions and beliefs used by special education *knowledge producers* actually serve to maintain disproportionality. Essentially Patton proposed that disproportionality is not a product of an observable construct such as test bias, but that *power brokers* in special education have social, emotional, and intellectual investments in maintaining disproportionality. Bowles and Gintis (1976) explained this as *cultural reproduction* perpetuating class-based differences.

Further suggested is racial and class inequity is reproduced over time and designed to uphold status quo at the expense of less privileged groups (Skiba et al., 2006).

Using sociological theories of learning disabilities, Anyon (2009) sought to account for racial disproportionality in special education. Her conclusion underscores the need to use sociology as an important “lens for understanding learning disabilities” (p.55) “by highlighting individual decisions, interests and biases that lead to identification of students as learning disabled” (p.56). Rapley (2004) applied discursive psychology to purport that intellectual disabilities are socially constructed by understanding the relationship between those identified as intellectually disabled and helping profession assessment of their “(in)capacities and (in)capabilities” (p.1).

Statement of Research Purpose and Questions

Disproportionality remains a persistent issue, particularly among ethnic minority populations most notably African Americans. To date, the vast majority of research and causative and/or contributory factors focus on biological factors, environmental issues, assessment and cultural factors. Strategies for reducing disproportionate placement have been proposed and process refinements have to some extent been implemented with various success. However, core to the process to determine if a student is eligible for special education, especially for judgment categories, involves human judgment and interpretation of assessment data aligned with existing norms and behaviors. With respect to the latter point, limited research has explored the perceptions and social constructs established in a particular institution as contributing to special education eligibility determination. Therefore, this research aims to examine the long-standing issue of special education disproportionality through the lens of social construction. My

research sought to determine the institutional practices and perceptions that exist and potentially influence the special education eligibility process in elementary school settings in a selected district. The research largely focused on African American students with particular emphasis on the eligibility *emotional disturbance*. The elementary (kindergarten to 6th grade) student population was chosen since it is the earliest and most critical time for determining eligibility which then potentially sets the future course for the student's educational career. The particular eligibility was chosen for more in depth study because it is noted, nationally, to be over-represented by African American students. The purpose of this research was to examine how the social context of institutions (school districts) identified as having disproportionate representation of African American students in the eligibility *emotional disturbance* category influence the outcome of the referral and assessment process. Specifically, this research employed a mixed methods study design and addressed the following questions: 1) are minority students, particularly African American elementary school students, more likely to be disproportionately represented in special education eligibilities across school districts in the county, and if so which ones; 2) Within the referral and eligibility process employed, what criteria are used to determine the eligibility emotional disturbance; and 3) Do the commonly held perceptions and practices present within the school district's culture influence the process and decision-making for eligibility?

Thesis Structure and Preview of Chapters

This dissertation is comprised of five chapters. The first chapter sets the stage for research and begins the discussion of the problem of disproportionality. The purpose of the study and research questions are articulated inclusive of a list of definitions of terms used.

Chapter 2, Literature Review, provides a comprehensive look at the background of the problem or disproportionality of minority students in special education. It lays out the historical context of the issue ranging from a review of litigation and legislation to postulated theories as causative of disproportionality. Since the primary focus and significance of this research is to explore the issue through a social construction theory, a discussion of theory and its application to the understanding of disproportionality is presented. This chapter further provides discussion of the school district policies and stated practices and assessment framework for determining eligibility for special education services. Lastly, this chapter outlines the data and analytics used to measure disproportionate rates.

The third chapter, Methods, discusses in detail the research design and methodology from both the qualitative and quantitative aspects and outlines the rationale for applying a mixed methods design. Included in the chapter is a discussion of the study population, criteria for selection of schools for the in depth interviews and processes to be used for data collection and analyses. The discussion guides used, data coding criteria, IRB forms can be found in Appendices A-C.

Chapter 4, Results, presents the analysis and findings from the research. The fifth chapter, Discussion, concludes the thesis and provided discussion and interpretation of the findings with potential implications for further research and practice.

CHAPTER 2

REVIEW OF THE LITERATURE

The purpose of my research was to study how a school district's practices and social norms influence the outcome of the referral and eligibility process in districts identified as having disproportionate representation of African American students in the eligibility category of emotional disturbance (ED). This chapter provides background and support for the research.

The chapter is organized into seven sections. The first section, Disproportionality: Its Existence and Legal and Legislative Actions, provides a brief overview of data supporting the disproportionate presence of racial and ethnic minorities in special education and a synopsis of key legal and legislative actions that addressed the issue and helped shape special education, as we know it today. The next section, The Multifactorial Nature of Disproportionality, delved into the research underpinning several of the main factors proposed to contribute to disproportionality. The intent was to provide context for this research and is organized into three topic areas. First was a discussion of compensatory education, examining the historical aspects of education and the desire to serve students through categorization. Next, using the topic of educational inequality as an organizing frame, the factors that influence academic achievement and the connectivity to disproportionality were presented. The last topic in this section looked in detail at the development of school psychology as a discipline and its influence on schools and how students are categorized in the school environment.

Historical background and clarity of terms and criteria used for student referral and

eligibility determination for special education matters. Section three, Origin of Emotional Disturbance: A Chronology, examines this focused on three themes. The first theme discussed the nature of events promoting common language to describe an emerging interest to address new population of students in school environments, while the second acknowledged the development of the criteria used to determine existence of an emotional disturbance. Focusing on the social maladjustment inclusion of the definition, the third theme discussed the problems incurred when determining eligibility.

Issues Inherent in the Emotional Disturbance Definition was the focus of the fourth section, whereby the criteria ambiguity was highlighted and challenges accurate, reliable and consistent eligibility determination. The next section addressed Factors Potentially Contributing to Disproportionality in Emotional Disturbance Eligibility along two dimensions, the special education referral and eligibility process and the Black/White discipline gap as a driving force for excessive referrals and eligibility determination. Outcomes for Students Identified as Emotionally Disturbed comprised the sixth section which underscored the detrimental effects of the categorization. Having set the background with the above review, the last section: The Social Construction of Disability, provided context for why this researcher choose to examine the issue of disproportionate representation of African American students in the more negative judgmental eligibility category of emotional disturbance.

Disproportionality: Its Existence and Legal and Legislative Actions

The Existence of Disproportionality

There is no doubt that disproportionality is long-standing and remains a persistent issue, particularly among racial and ethnic minorities most notably African Americans. Blanchett

(2006) defined disproportionality as “existing when students’ representation in special education programs or specific educational categories exceeds their proportional enrollment in a school’s general population (p.24)”. A decade earlier, Coulter (1996) investigated African American student representation in special education of 66 local education agencies (LEAs, i.e. school districts) and determined that for the three “socially determined” (Coutinho & Oswald, 2000) disability categories of learning disabled, seriously emotionally disturbed and mild intellectual disability, African Americans were disproportionately represented in 62 of the 66 LEAs. A seminal study by Oswald, Coutinho, Best and Singh (1999) sought to explore environmental factors that impact disproportionate numbers of African American students identified as seriously emotionally disturbed. In their report, poor African American children were 2.3 times more likely to be identified as emotionally disturbed than poor White children. Further, though accounting for 16 percent of elementary and secondary enrollments, African American students represented 21 percent of total special education enrollments. Even though several demographic factors were found to be predictors of serious emotional disturbance eligibility, when controlled for, race/ethnicity remained the greatest contributing factor to special education eligibility determination (Jordon, 2005; Oswald, Coutinho, Best & Singh, 1999).

In a study that analyzed data from the National Research Council Report of 2002, O’Conner and Fernandez (2006) purposefully sought to examine poverty as related to student identification for special education eligibility. Under the premise that minority students are more likely to be poor compared to their White counterparts, poor minority children, therefore, have a higher risk of exposure to influences impacting intellectual development and, ultimately subsequent special education placement. Findings debunked this reasoning and further

substantiated “nothing about poverty in and of itself places poor children at academic risk” (p. 10).

A substantial research base supports Coulter’s findings that the most serious pattern of disproportionality appears to be in referrals for and eligibilities of the “judgmental disability categories” (Rogers, 2002; Salend & Duhaney, 2011; Skiba, Simmons, Ritter, Kohler, Henderson, & Wu, 2006, p. 1425) of learning disabilities, emotional disturbance and mild intellectual disability. In support of the research, the *26th Annual report to Congress on the implementation of the Individuals Disabilities Education Act, 2004*, reported that African American students 2.25 times more likely to be determined seriously emotionally disturbed than their respective counterparts for students aged 6 through 21 with disabilities (U.S. Department of Education, 2006).

Legal and Legislative Actions

In 1971, the pivotal case of *Pennsylvania Association for Retarded Citizens (PARC) v. Commonwealth of Pennsylvania* established the climate for the educational future of handicapped children. At that time, the Commonwealth of Pennsylvania enforced a state law allowing public schools to deny entry of any child who had not attained a mental age of five years. PARC ruled this law as unconstitutional and public schools were subsequently mandated to provide free education to children with intellectual disability up to 21 years of age. Further, and as importantly, the case established a “standard of appropriateness” (Martin, Martin & Terman, 1996, p. 28) ensuring that the education provided be appropriate to a child’s level of learning capabilities; a concept eventually evolving into what is now commonly referred to as least restrictive environment (Yell, Rogers & Lodge-Rogers, 1998).

The ruling on *PARC v. Commonwealth of Pennsylvania* set the stage for further court decision that validated that the federal courts deem each child eligible for an education without discrimination (Yell et al., 1998). Another influential legal case, *Mills v. Board of Education* (1972), took center stage in the fight for handicapped children's education. It also revealed that there was growing public support for the significance of educational equal protection. The basis of this case was (1) the failure of the District of Columbia to provide publicly supported education and training to plaintiffs and other "exceptional" children, and (2) the exclusion, suspension, expulsion, reassignment and transference of "exceptional" children from regular public school classes without affording them the due process of law (*Mills v. Board of Education*, 1972). The court ruling declared that students with disabilities are entitled to a free, appropriate public education, and that the district cannot use inadequate resources as rationale to not educate disabled children, the district's defense. The outcome of *Mills v. Board of Education* established protections for children with disabilities that included a meaningful public education, full procedural protections when enrollment status may change, the right to be heard and represented by legal counsel, and regularly scheduled status reviews (Martin et al., 1996; Yell et al., 1998).

Despite the *PARC* and *Mills* court ruling as well as other educational litigations, schools still had the right to refuse to service children they arbitrarily considered "uneducable" until the mid-1970's. Further still, a general understanding existed that no state truly served all its disabled children (Itkonen, 2007; Martin et al., 1996). Even when school districts did enroll such children, they were often misplaced into programs and classes inappropriate for the child's needs. The abundance of litigation stemming from these cases proved too overwhelming and

federal courts responded by fervently directing states to provide disabled children with the same protections afforded non-disabled. Thus, the principals of both the PARC and Mills cases were regarded as the foundations of civil rights movement for disabled children (Itkonen, 2007).

In response to litigation outcomes mandating education for all disabled children, Congress swiftly responded in full by passing Public Law 94-142, the Education for All Handicapped Children Act (EHCA), in 1975. This legislation dictated that all students with disabilities were entitled to receive a free, appropriate, public education and school districts would provide the monies to assist with costs associated with developing such programs. Clearly the results of both the PARC and Mills cases heavily influenced the basic tenets of EHCA. Also important to note, although passed on the backs of passionate and tenacious parents, advocates and strong Congressional support, EHCA was not without its critics. President Ford had great concern that EHCA would interfere not only with state responsibilities, but also the parent-local school relationship (Martin et al., 1996).

Not dissuaded by criticism, Congress continued to demonstrate strong support for disabled children and created the Department of Education in 1980, which was quickly replaced by the Office of Special Education Programs (OSEP). In short time, OSEP, the Rehabilitation Services Administration, and the National Institute for Handicapped Research were consolidated to form the Office of Special Education and Rehabilitative Services (OSERS) headed by an assistant secretary of education, a new cabinet position. Since the development of OSERS, administrative oversight has remained consistent, intact, and functional (Education for All Handicapped Children Act; Martin et, 1996; Yell et al., 1998).

Despite congressional and legal support for education for all children, it was immediately

evident that certain aspects of the legislative requirements were troubling. As early 1968, Lloyd Dunn's (1968) influential paper established the escalating documentation of special education disproportionality. Years later *Lora et al. v. Board of Education of the City of New York* (1975) concluded that African American and Hispanic students were inappropriately placed in a segregated day school for students with emotional disorders. In California, courts ruled that assessment procedures for identification and placement were inadequate and discriminatory. *Larry P. v. Riles* (1979) focused on intelligence testing of African American children and concluded children had been inappropriately placed in Educable Mentally Retarded (EMR) classrooms solely on the basis of an IQ score. The Court also determined IQ tests as discriminatory against African American children due to the much higher percentage of African American children placed in special EMR classrooms. The California court concluded IQ tests were culturally biased against African American children given the tests were designed and standardized based on an all-White sample population. This banned California school systems from using the test as sole evaluation of children for special education services (*Larry P. v. Riles*, 1979). The ruling in this case established a legal precedent requiring that assessments administered to minority children must be validated for use with their respective racial/ethnic population. Since the 1960's, despite every variation in special education assessment and program development, the singular constant is over-representation of African American students.

Having established the clear mandate for schools to educate students with disabilities, the original laws evolved to add clarity and more directly address the issue of disproportionality. EHCA subsequently morphed into the Individuals with Disabilities Education Act (IDEA). The most recent reauthorization of IDEA in 2004 established a performance plan for state education

agencies (SEA or state departments of education). Specifically, the United States Department of Education, Office of Special Education Programs (OSEP) identifies 20 indicators designed to not only guide SEAs in their implementation of IDEA, but also to report progress and performance on LEAs (school districts) implementation (Part B Indicators, 2013). Of the twenty indicators, two, Indicators 9 and 10, are designed to directly address the disproportionate representation of racial and ethnic groups in special education.

The Multifactorial Nature of Disproportionality

Considerable research has sought to determine what underlies disproportionality in determining the referral to and eligibility for in special education services. Results acknowledged factors such as biological and environmental (Artiles, Kozeleski, Trent, Osher & Ortiz, 2010; Hoop & Reschly, 2004; Oswald, Coutinho, Best & Singh, 1999 Vallas, 2009), social economic status (O’Conner & Fernandez, 2006; Harry, 1994; Hosp & Reschly, 2004; Oswald et al., 1999); referral and assessment bias (Artiles et al., 2010; Harry, 1994; Harry & Anderson, 1994; Hoop & Reschly, 2004; Skiba, Knesting & Bush, 2002; Skiba, Simmons, Ritter, Gibb, Rausch, Cuadrado & Chung, 2008; Vallas, 2009), and poor cultural responsiveness (Artiles et al., 2010; Blanchett, 2006; Harry & Anderson, 1994; Oakes, 1982; O’Conner & Fernandez, 2006; Oswald, Coutinho, Best & Singh, 1999; Patton, 1988; Skiba, Simmons, Ritter, Kohler, Henderson & Wu, 2006; Skiba et al., 2008; Vallas, 2009). Burton (1986) conversely contended the number of special education students identified is directly related to provisions and resources available to the students. Although factors are clearly recognized and efforts to eradicate it have been implemented, disproportionality persists.

A universal social condition such as disproportionality rarely advances from one

definitive action. Rather, it evolves from a complex combination of both deliberate and unintentional actions. In order to more clearly understand the depth and breath of how many of the factors impact disproportionality, it is necessary to examine events advancing its onset and continuance. The following section will do this by looking at three themes: compulsory education, school practice inequality, and school psychology.

Compulsory Education

Alexander Graham Bell is credited with coining the term *special education* for the first time at a National Education Association meeting in 1884 (Winzer, 1998). During the late 19th century, strong social, political and economic elements heavily affected public education in the United States. America was moving rapidly from an agrarian to an industrialized and urbanized society and, as people relocated from farming communities to urban settings for factory work, urban public schools quickly became over-populated. This became exponentially compounded with the arrival of a wave of southern and eastern European immigrants. Abramitzky, Boustan & Eriksson (2012) report that the United States received 30 million immigrants from 1850 to 1913, and by 1910, 22 percent of the United States blue-collar labor force was foreign born.

Early in the twentieth century, state compulsory school attendance laws redefined educational opportunities for children (Yell, Rogers & Lodge-Rogers, 1998). Originally, the goal of compulsory education was “learning a body of knowledge and acquiring a set of skills” (Hutt, 2012, p. 3) as well as ensuring parents executed the duty of ensuring children attended school. Once legislated, the next step was to determine if “compulsory” meant attendance at school or acquiring knowledge or skills. Gatto (2008) reminds us that Woodrow Wilson told the New York City School Teachers Association in 1909, “We want one class of persons to have a

liberal education, and we want another class of persons, a very much larger class, of necessity, in every society, to forgo the privileges of a liberal education and fit themselves to perform specific difficult manual tasks” (p. 138). Blunt in its approach, this established the foundation for which education consciously ensured segments of the school population be classified as basic.

School Practice Inequality

Skiba, Knesting and Bush (2002) addressed biased assessment materials as a potential explanation for disproportionate identification and placement of African American students in special education. Skiba et al. (2002) defined culturally competent assessment as “a process of assessment that does not contribute to the overrepresentation of minority students in special education” (p.62). Conducting a meta-analysis, the authors determined, rather than inherent intelligence, seven (7) factors contribute to both the educational success or lack thereof, and subsequent identification and placement in special education services: 1) physical facilities and resource inequality, 2) curriculum, 3) teacher expectations, 4) school discipline, 5) tracking and within-class grouping, 6) instructional quality, and 7) indirect effects such as students social expectations to “act white” (p.69). Hosp and Hosp (2001) cite the behavior differences between African-American and Caucasian students as concern for cultural interpretation as well. While the existence of cultural difference in and of itself does not mean those differences are a problem, it becomes a challenge only when those differences are used to justify discriminatory actions.

School Psychology

The responsibility for public schools to provide specialized instruction for students was launched by settlement houses at the turn of the twentieth century, which also paralleled a new

and emerging field called *school psychology*. As settlement houses became the link between the community and public schools, the priority developed into addressing the needs of all community members. Though settlement houses were initially concerned with guaranteeing all had access to school, their focus quickly expanded to educating “crippled” children.

Psychologists also began to address the needs of students disenfranchised from the new public education system such as those with mental retardation and deafness. In addition to teacher training, the concept of *sorting* (Safford & Safford, 1998, p. 235) children from institutionalized settings to instruction in the public school emerged, which took shape in multiple forms. Harvard scholar Hugo Munsterberg, the first American to use the term *school psychologist* in an 1898 article (Fagan, 2005, pp. 433), initiated sorting children in public elementary education under the auspices of researching student advancement. Munsterberg explained that the role of a school psychologist was somewhere in between those of researcher and practitioner, thus distinguishing the science of psychology from “softer” methodologies such as child study and classroom teacher duties (Fagan, 2005). Lightner Witmer at the University of Pennsylvania, who introduced the term *clinical psychology* and the concept of the *psychological clinic*, elaborated school psychology as the application of experimental psychology to specific child populations such as gifted and intellectually handicapped or those struggling within the newly enacted compulsory schooling, rather than focusing on identification and classification (Fagan, 2005). Promoted by the pursuits of Witmer and Munsterberg, Edward Thorndike pressed the school psychologist notion further by launching the burgeoning field of *educational psychology* by recognizing and acknowledging the existence of emotional problems in children (Safford & Safford, 1998).

Interestingly over the past century, the school psychologist role has changed minimally and remains crucial to the identification, classification and placement of children in educational programs. According to the National Association of School Psychologists, conducting psychological and academic assessment is one of numerous skills and responsibilities of school psychologists.

School psychology training brings together the knowledge base of several disciplines, including child psychology and development and education with an emphasis on special education. School psychologists are typically funded through special education monies and often their first responsibility is to the population of students at risk for failure and who have identified disabilities. (National Association of School Psychologists, n.d.)

Despite their skills and abilities to do otherwise, priority continues to be special education identification.

Origins of Emotional Disturbance: A Chronology

How a term or concept is defined matters. Good definitions provide clarity. As such, they can serve as a common base for explanations and conversation to advance understanding and decision-making. When one looks at the judgmental eligibility category of emotional disturbance and the subsequent evolution of its meaning, we see why definitions matter and perhaps how they can contribute to disproportionality.

Sponsored by the World Health Assembly of the World Health Organization, the International Classification of Impairments, Disabilities, and Handicaps (ICIDH) was published in 1980 and became the cornerstone of disability definition. Using the social model perspective, a “disability is a consequence of impairment in terms of the individual’s performance and action capacity. Handicap is the discrimination that the individual is exposed to as a consequence of impairment or disability” (Michailakis, 2003, p.211). Impairment on the other hand, is “any loss

or abnormality of psychological, physiological, or anatomical structure or function.”

(Bickenbach et al., 1999, p. 1175).). The Disabled People’s International (DPI) recommended a two level definition as proposed by the Union of the Physically Impaired Against Segregation (UPIAS) that focused on the terms impairment and handicap (Hughes & Paterson, 1997; Bickenbach et al., 1999; Goodley, 2001): “Impairment is the functional limitation within the individual caused by physical, mental or sensory impairment. Disability is the loss or limitation of opportunities to take part in the normal life of the community on an equal level with others due to physical and social barriers” (UPIAS, 1976, p. 3-4, quoted in Bickenbach et al., 1999, p.1176).

Throughout history, the general populace has consistently assigned descriptors for the marked dissimilarities of the few. Those with physical challenges have been deemed “crippled”; those plighted with cognitive impairments have been declared “idiots” and “morons”. However, the term emotional disturbance is unique to other designations in that it was created to describe a condition present only in children. Further, it is used to describe a condition manifested by a disorder of emotions, to which Bower remarks, “Emotion is nonrational, nonlinear, and so far has been pretty elusive to being pinned down by precise prose” (p. 56).

It is challenging to find any manner of reference to childhood behavioral disorders prior to the 19th century. Handler (2011) asserts, historically, the term *mentally ill* has been used to describe adults whereas children have been labeled as *emotionally disturbed*, *socially maladjusted* or *deviant*. By the 19th century, children’s behaviors were exclusively described as deviant, this despite a lack of any authentic empirical information to support the classification (Kaufman, Brigham & Mock, 2004). By the beginning of the 20th century, the emerging

disciplines of psychology and education of students with health impairments triggered establishing classifications for behavioral differences (Kaufman, Brigham & Mock, 2004).

Handler (2011) explains that the Mental Hygiene Movement from 1910 through the 1950s was considered “a school-based attempt to mitigate social deviance problems through the teaching proper behavior and emotional response through ‘character’ or ‘socialization’ curricula” (p.180). Skiba & Grizzle (1991) note the first classroom for children with behavioral disturbance was for “unruly and truant” boys. Once the Mental Hygiene Movement ceased, so did the desire to assist students with mental health issues in public schools. Students exhibiting such behaviors were subsequently placed in separate facilities including juvenile detention centers and workhouses (Handler, 2011).

As the education and psychology professions began to develop, so too did the need for consensus of recognized constructs apropos of each discipline. Classifications provide consistency of terms among practitioners, thus allowing organization of theoretical information (Cullinan, 2004). Epstein et al. (1977) assert there exists two types of definitions: 1) those that reflect theoretical positions, and 2) those that guide service delivery. Epstein et al. (1977) further recognize four purposes of definitions: 1) indicate which interventions will be implemented and how interventions are communicated to parent and child, 2) provide a basis for estimation of prevalence and determines who will be eligible for services, 3) shape legislative, administrative and advocacy-group decisions, and 4) vital to continuing research to understand emotional disturbance (p. 418).

In 1955 the Joint Commission on Mental Illness and Health (JCMH) and the American Psychiatric Association collaborated to assess the existing conditions of state mental health

facilities and institutions. The result of this large-scale undertaking led to the recommendation of the renowned deinstitutionalization movement and increased focus on community-based mental health programs (Handler, 2011). More specifically, as a result of the 1955 JCMH investigation, five recommendations were formulated: “1) a call for research funding to focus on basic (versus applied) research, 2) creation of mental health research centers or institutes, 3) development and expansion of professional preparedness programs as well as funding for students, 4) need for universal lexicon, and 5) earliest possible treatment for mentally ill in community-based counseling services” (p. 183). The main emphasis of the report was adult-centered and made little reference to children. Further, although the JCMH did not specifically address schools as a community service provider, it did encourage the development of school-based interventions and trained teachers that “set the stage for future special education responses for this population of student” (Handler, 2011, p.185).

At the same time between 1953 and 1959, over 100 scholars investigated the relationship between emotional factors and academic achievement with a preponderance finding a positive relationship between emotional health and academic achievement. Inspired by this information, JCMH in 1957 made the statement that an estimated 400 to 600 million children are affected by mental health disorders. Unfortunately it wasn't until 1965 the care and education of children with mental health disorders became a priority when Congress established the Joint Commission on Mental Health of Children (JCMHC) with similar ambitions as the JCMH except to focus on children and youth (Handler, 2011). At this same time, public interest in mental health increased following the assassination of President John F. Kennedy. Accordingly, JCMHC determined the need for ongoing comprehensive research on children and youth as well as a system for

developing professionals to work with students with mental illness. The primary objective of JCMHC was to identify mental health diseases of children (those 21 years and younger) and develop treatments for elimination or, minimally, reduction (Handler, 2011) of the diseases. The results of their efforts generated four recommendations to yield successful outcomes with children affected with mental health disorders: 1) parent and student participation in decision-making, 2) non-discriminatory evaluation and individualized instructional planning, 3) least restrictive environment, 4) placement along side non-disabled peers. The JCMHC recommendations ultimately influence several facets of Public Law 92-142, the Education for Handicapped Children Act adopted by Congress in 1975.

Development of the Definition for Emotional Disturbance

Eli M. Bower, a professor at the University of California, Berkley, was a consultant in the California State Department of Education during the 1950's who focused on early intervention for children with handicaps, especially mental retardation and emotionally handicapped (University of California, 2016). During that time, the state of Californian commissioned Bower to conduct research designed to create criteria for identifying students needing service due to behavioral concerns (Bower, 1982; Merrell & Walker, 2004). Bower conducted the study in 75 school districts and 200 classes in which a child had been categorized as emotionally disturbed. In establishing the criteria, Bower (1982) made it clear that an emotional disturbance does not "presume to go beyond what is observable in the school setting" (p. 57). He also stressed an essential detail of the criteria that, "it accepts as a given that emotional disturbance is disturbing to others and may differ in quality and degree from one setting to another" (Bower, 1982, p.57).

Twenty years later, in 1975, Congress passed legislation in the form of Public Law 94-

142, the Education for Handicapped Children Act (EHCA), which provided for free, appropriate public education for children with disabilities. It was in this legislative act that the full spectrum of children's disabilities was identified and defined based on universally agreed-upon criteria. Under the eligibility of serious emotional disturbance, the criteria established by Congress to identify such children was derived from the Bower studies in the 1950's and his subsequent definition in 1957 (Handler, 2011).

The eligibility of emotional disturbance, similar to intellectual disability, has long been considered either socially determined (Coutinho & Oswald, 2000) or a judgmental disability category (Rogers, 2002; Salend & Duhaney, 2011; Skiba, Simmons, Ritter, Kohler, Henderson, & Wu, 2006, p. 1425) since the inception of EHCA in 1975. Unlike non-judgment categories such as deaf, blind, and physically disabled that manifest concretely and medically, emotional disturbance places the eligibility determination in the hands of the institutional decision-makers. According to Congress, serious emotional disturbance is defined as follows:

(i) The term means a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree, which adversely affects the educational performance, (a) an inability to learn that cannot be explained by intellectual, sensory or health factors; (b) an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; (c) inappropriate types of behaviors or feelings under normal circumstances; (d) a general pervasive mood of unhappiness or depression; or (e) A tendency to develop physical symptoms, pains, or fears associated with personal or school problems (in Bower, 1982, p. 55). (ii) The term includes children who are schizophrenic or autistic.

The term does not include children who are socially maladjusted, unless it is determined that they are seriously emotionally disturbed. (Education for Handicapped Children Act, 1975; Federal Register, 2006, p. 46756). The only criterion EHCA included that was not part of the original Bower definition was an emphasis that students be required to exhibit characteristics "to a marked extent and over an extended period of time" (Merrell and Walker, 2004, p. 900). Also of important note is "emotional disturbance is the only handicap that cuts across all other abilities and disabilities." (Bower, 1982, p. 56)

As noted, Bower's definition (1982) qualified that a student's behavior-as related to the *serious emotional disturbance* eligibility- does not "presume to go beyond what is observable in the school setting" (p. 57). This means if a student's behavior does not impact the educational environment *and* the student's subsequent academic achievement, the student would not qualify for services (Handler, 2011). One additional stipulation to the legislated eligibility criteria is that students who are identified as socially maladjusted are not to be considered seriously emotionally disturbed unless, of course, they are also emotionally disturbed. This stipulation did and continues to cause great deliberation among both academics and educators (Center, 1990; Forness, Kavale & Lopez, 1993; Forness & Kavale, 2000; Long, 1983; Merrell & Walker, 2004; Skiba & Grizzle, 1991).

After the initial adoption of EHCA, the statute endured an amendment in 1981. This was followed by Congress re-authorizing the Act sixteen years later in 1997 and, with that, changed the designation of the legislation to the *Individualized Disabilities Education Act (IDEA)* (Kidder-Ashley, Deni, Azar, & Anderton, 1999). During the 1997 ratification, the terminology for the eligibility transformed from seriously emotionally disturbed to emotional disturbance. The definition itself has remained unchanged since inception.

Despite the foundational work done by Bower (1982) establishing criteria to identify children needing services for behavioral issues, he disputed the use of his research and deemed the legislated eligibility of serious emotional disturbance as "contradictory in intent and content with the intent and content of the research from which it came" (p.60). Twenty-five years after EHCA was ratified and with no subsequent modifications to the definition, Forness & Kavale (2000) assert that the original seriously emotionally disturbed definition is "no longer reflective

of more recent educational research or clinical diagnosis” (p. 265).

The Social Maladjustment Exclusion

When Congress passed PL 94-142, in 1975, the eligibility standards for students deemed seriously emotional disturbed was established and purposefully excluded those considered socially maladjusted. Interestingly, the social maladjustment exclusion emerged from what may have been a legislative misinterpretation. During the development of PL 94-142, the bill was strangely referred to a subcommittee of the House Committee on Interstate and Foreign Commerce, even though the Committee on Education and Labor had been involved for quite some time in reviewing the bill. Non-educator members of the subcommittee’s “concern for services for adjudicated juvenile delinquents became mistranslated as the exclusion of socially maladjusted children” (Skiba & Grizzle, p.582). This simple caveat, which has caused great debate as to the authenticity of the federal definition for both scholars and practitioners since (Center, 1990; Forness, Kavale & Lopez, 1993; Forness & Kavale, 2000; Long, 1983; Merrell & Walker, 2004; Skiba & Grizzle, 1991), may be simply explained as “an accident of history” (Skiba & Grizzle, p.582). Nevertheless, the qualification exists and subsequently demands an agreed-upon definition if one is to accurately identify one as socially maladjusted.

Many have argued that the criterion for emotional disturbance and social maladjustment actually overlap and intersect. Forness, Kavale and Lopez (1993) first remarked that the federal definition of serious emotional disturbance is not supported by “research on empirical or clinical subtypes of children with emotional or behavioral disorders” (p.101). In addition, they argue “the SED definition criterion virtually defines social maladjustment, that is, inability to build or maintain satisfactory relationships with peers or teachers” (Forness et al., 1993, p. 102).

Kauffman (1997) concurred and elaborated “a youngster cannot be socially maladjusted by any credible interpretation of the term without exhibiting one or more of the five characteristics to a marked degree and over a long period of time” (p. 28).

Social maladjustment was never defined by EHCA or any other iteration of the federal law. As a result, state and local education agencies have been left to their own devices to interpret and classify emotional disturbance eligibility or even disregard completely (Merrell & Walker, 2004). Center (1990) identified different perspectives on the meaning of social maladjustment. The first stance is Bowers’ (1982) statement that his definition of emotional disturbance is based on children’s social maladjustments. Both are one in the same compared to the *Diagnostic and Statistical Manual of Mental Disorders* (DSM), the standard classification of mental disorders used by mental health professionals in the United States (American Psychiatric Association, 2016) position of, when the definition was created, social maladjustment as the result of an inability to adapt to cultural adaptations. Quay (1960), on the other hand, believed social delinquency or social aggression is a response to environmental circumstances. The last perspective considers social maladjustment a disorder in which antisocial behavior is the primary characteristic. With no consensus, the social maladjustment exclusion has led to capricious determinations in a nebulous emotional disturbance definition.

Center (1990) had gone so far as to theorize that the court case of *Honing v. Doe* in 1988 which prohibited the expulsion of students with disabilities, supported the continuation of the “social maladjustment label because it allows schools and officials the opportunity to discipline students exhibiting antisocial behavior” (p. 141). Others have supported that viewpoint, purporting that the social maladjustment label is a convenient tool for eliminating the most

disrupting and challenging students from the school environment (Merrell & Walker, 2004; Skiba & Grizzle, 1991). Originally, the DSM diagnosis for serious emotional disturbance focused on internalizing or emotional problems versus the externalized and socially maladjusted (Skiba & Grizzle, 1991). That viewpoint is still prevalent and educator textbooks have gone so far as to present an either/or model whereby emotionally disturbed students will demonstrate either externalized or internalized behaviors, but not both which is most common (Kaufman et al., 2004).

Issues Inherent in the Emotional Disturbance Definition

Ambiguity of the Definition

“Emotion is nonrational, nonlinear, and so far has been pretty elusive to pin down by precise prose” (Bower, 1982, p.56). Bower (1982) concisely and accurately captures the depth and breath of the challenges determining students eligible for special services under the category of emotional disturbance. Mehan (1992) stated, “disability is a function of the interaction between educators’ categories, institutional machinery, and students’ conduct. Designations like disability and handicap do not exist apart from the institutional practices and cultural meaning systems that generate and nurture them” (p.13). Maag & Katsiyannis (2008) further state, “Labels are discursive...it communicates how a construct is constructed and defined” (p. 187).

Bower (1982) has further commented, “with the unique exception of pregnancy, all human conditions, including life and death exist to some degree and are therefore open to legal, scientific, and community interpretation” (p. 55). Unlike determining eligibility for “hard” disabilities such as hearing and physical impairment, emotional disturbance is considered a “judgmental disability category” (Rogers, 2002; Salend & Duhaney, 2011; Skiba, Simmons,

Ritter, Kohler, Henderson, & Wu, 2006, p. 1425) that relies on the appraisal of practitioners to ascertain the depth and breadth of a child's emotionality. Recognizing the subjective nature of operationalizing and characterizing emotional disturbance, Epstein et al. (1977) remarks, "it is ironic that many of society's most important challenges involve constructs which resist or defy articulation" (p.417).

The definition emotional disturbance has been met with vibrant and varied criticism since its inception. With a definition that is vague and ambiguous and referral and evaluation criteria that is non-standardized and subjective, emotional disturbance eligibility is determined largely by individual judgments that can be potentially influenced by bias, prejudice and possibly ignorance. It is important to recall the thirteen eligibilities (originally and presently) incorporated into the federal definition were established from efforts of parent advocates, not empirical evidence (Maag & Katsiyannis, 2008). Forness & Kavale (2000) assert that Bower's original emotional disturbance definition is "no longer reflective of more recent educational research or clinical diagnosis" (p. 265) and, in its current state, is based on "outdated concepts and has little to no empirical support" (p.267). Because EHCA (and later IDEA) does not indicate, much less mandate, quantitative assessments to be used in the eligibility process, evidence is interpreted according to an individual's theoretical orientation, occupational perspective and personal judgment (Maag & Katsiyannis, 2008). This is hardly scientific. Osher, Cartledge, Oswald, Sutherland, Artiles & Coutinho (2004) submit:

The fundamental issue of causality can be reduced to a single global question: to what extent and under what circumstances, does racial/ethnic disproportionality reflect (1) differential susceptibility to education disability based on observed, individual child differences as opposed to (2) the operation of bias in the educational practice as well as special education referral, assessment and eligibility process. (p. 66)

As soon as implementation of EHCA and its subsequent disability criteria began, it was immediately apparent the definition of emotional disturbance was vague and ambiguous. To point, Eaves (1982) suggests “most children diagnosed as emotionally disturbed exhibit behavior that engenders hostility rather than sympathy” (p. 463) and adds “much of emotional disturbance entails how others react to a child’s behavior” (p. 467).

Establishing and employing any form of terminology is always problematic because of factors such as stigma, misunderstanding, and lack of common agreement (Forness and Kavale, 2000). Kaufman, Brigham, & Mock (2004) identified two key issues with identification both in general and in particular to emotional disturbance as “personal philosophy and definition imprecision and pragmatic concerns” (p.18). Cullino (2004) concurred and elaborated the technical aspects of the emotional disturbance definition such as reliability of variables and categories, meaning of duration of the disorder including when it began, cut off points, comorbidity, and other dimensions of emotional disturbance cannot be statistically obtained.

Educators and researchers have been vocal over the ambiguity of this definition since being established in EHCA (Kidder-Ashley, Deni, Azar, & Anderton, 1999). The federal legislation recommended SEAs establish processes and procedure for which to determine what the eligibility criteria of “over a long period of time” and “to a marked degree” means in operationalized terms. Because of the lack of standardization for such criteria, interpretation has been inconsistent and "at best a great potential for inconsistency across referred children and, at worst, conditions allowing unchecked bias, inequity, and prejudice" (in Kidder-Ashley, Deni, Azar, & Anderton, 1999, p. 599).

Shortly after the passage of EHCA and experiences with implementation of the eligibility

criteria, Eaves (1982) examined the ambiguity of the emotional disturbance definition through four factors, 1) impact of theory, 2) societal diversity, 3) benchmarks for decision making, and 4) instrumentation. The conclusion from this work was no other definition has so many “competing” (p. 463) theories. That is, depending on the particular theoretical perspective, the behaviors associated with eligibility will reflect that viewpoint. Further, Eaves (1982) alleged theorists have disregarded the educational aspects of emotional disturbance designed to produce positive impacts on educational decision-making and eligibility outcomes.

Using the federal terminology as the baseline to assess the states' categorical labels and definitions, Kidder-Ashley et al. (1999) examined the definition of serious emotional disturbance (SED) utilized in 41 states. Also investigated was whether each state created operationalized descriptors and procedures to ensure consistency in the eligibility determination. Researchers first identified categorical labels classified as focusing 1) on the emotional aspects of the disability, 2) on the behavioral aspects, or (3) on a combination thereof. Next, the federal definition was divided into five main components: (1) inability to learn, (2) ineffective interpersonal relationships, (3) inappropriate behavior or feelings, (4) unhappiness/depression, and (5) physical symptoms or fears. The individual state definitions were then examined to determine the how many of the five components were shared with the federal definition resulting in each state's definition considered equivalent (containing all of the five components), modified (omitting one of the components), or different (omitting two or more of the components). Of the 41 states' studied, 38 were considered equivalent to the federal definition containing all five components. Two states' definitions were modified and only three states were classified as different.

In order for states to usefully employ the definition, it was necessary for each to operationalize certain aspects or criteria of the definition. After analysis of each state's emotional disturbance definition, researchers generated six meaningful observations: 1) few states have elaborated on or altered the federal definition, despite frequent criticism of it and the social maladjustment exclusion, 2) general consistency with the federal categorization of emotional disturbance, a finding by supported by several including Forness & Kavale (2000), 3) few states operationalize the criteria factors "for a long time" or "to a marked degree", nor are cut off scores utilized in the eligibility process, 4) great flexibility on the assessment instruments used to determine emotional disturbance, including no specificity on quantifying response to intervention (RTI) interventions, 5) great latitude on general intellectual functioning regarding both assessment techniques and persons (educational position and skill) administering, 6) significant parent involvement. The only component found to be included in all states was one the criteria "inability to learn".

This vagueness has created "at best great potential for inconsistency across referred children and, at worse, conditions allowing unchecked bias, inequity and prejudice" (Knoff, 1995, p. 852). As shown, the definition of emotional disturbance provides little concrete direction and is frequently subject to the state interpretation. This is further compounded as it is operationalized (spoken and unspoken) by each school district, or even school, leading to additional variance in its application to determine if a student is suspected of emotional disturbance. Overall, results showed that most states demonstrate great range in the assessment and subsequent eligibility of students with emotional disturbance. "The more flexibility states have regarding identification of SED, the more likely states are to identify students as having

SED” (Kidder-Ashley et al., 1999, p. 607).

More recently, Wery and Cullinan (2011) similarly examined the definition states’ employ to identify emotional disturbance. Once identified, the state definitions were compared with similar studies conducted in the 1970’s and 1980’s seeking clarification of state definitions. Each definition was evaluated according to the 11 components of state definitions of emotional disturbance used in two earlier surveys to ensure accurate comparisons with earlier studies. When looking across all three surveys, many states use the federal definition of emotional disturbance with little deviation. More specifically, 96% of the current state definitions were judged identical or nearly identical to the federal definition, 2% were considered somewhat similar, and 2% were fundamentally different. Interestingly, this is noticeably different from Survey 1 where only 4% of state definitions were considered identical or nearly identical versus 38% in Survey 2. Despite the abundance of state definitions paralleling the federal definition for emotional disturbance, the authors found that states have changed the moniker emotional disturbance to disability or disorder.

Application of the Emotional Disturbance Definition and Criteria

Acknowledging ambiguity clearly exists in the emotional disturbance definition, it is therefore be reasonable to presume applying the definition in the eligibility process yields similarly wide-ranging results. In a three-year ethnographic study in a large, culturally diverse district, Hart, Cramer, Harry, Klinger, and Sturges (2010) examined the special education process as related to emotional disturbance eligibility. By incorporating interviews, observations and student record examination, researchers identified three influences contributing to a student classified emotionally disturbed. The first affect is inadequate instruction and/or behavior

management prior to eligibility referral. Hart et al. (2010) discovered teachers exhibited poorly planned instruction in addition to little attempt to engage students in instruction. Behaviorally, students referred for evaluation had teachers who ignored behaviors until they exacerbated at which point harsh, threatening or unkind reprimands were applied. Pastor and Swap (1978) and Peters, Kranzler, Algina, Smith, and Daunic (2014) discovered a similar phenomenon whereby classroom environment incites behaviors because of a teacher's behavior management skill (or lack thereof).

The second contributor to a student classification as emotionally disturbed is exclusion of contextual classroom information in the decision-making process. Specifically, eligibility decisions were based on stereotypical assumptions, incorporated little information about home environment, and excluded discussing inadequate instruction and poor classroom behavior management as influences on the eligibility. Decisions were instead based upon information such as student history, living situation, public assistance, and similar demographic elements. Furthermore, African American children received lower grades by teachers than other students even though achievement proved to be grade level. Despite eligibility criteria requiring student behavior to be present across settings and over time, this was frequently ignored in the eligibility process of this study.

Hart et al. (2010), in their final observation, identified a subjective and/or arbitrary evaluation process. This included focusing on school behavior only and, despite contrary evidence, the general assumption by the evaluation team the student was part of a family of dysfunction. Hart et al. (2010) also discovered overwhelming pressure from evaluation team members for the psychologist to "make" the child emotionally disturbed.

The belief an evaluation team compels a school psychologist to determine students eligible as emotionally disturbed is not new and was investigated by Allan and Hanchon (2013), expressly from the school psychologist perspective. Participants in this study were practicing school psychologists who were National Association of School Psychologists (NASP) members, the professional organization in the United States for such professionals. Each participant completed an online survey focusing on emotional disturbance eligibility practices in their schools by targeting five data sources “consistent with established models of comprehensive assessment, 1) classroom observation, (2) teacher interview, (3) parent interview, (4) student interview, and (5) normative data derived from rating scales collected from a minimum of two different informants (i.e., teacher, parent, and/or student)” (Allan & Hanchon, 2013, p. 294). Particular data sources were selected because “they represent a sampling of common techniques, instruments, and sources of data one could minimally expect a school psychologist to contribute within the context of a comprehensive evaluation of ED” (p.294). Results of the study reveal, despite NASP guidelines for practice, many school psychologists fail to utilize all five data sources sufficiently in the evaluation. More markedly, over 25% of the respondents state they use two or less of the critical data sources when conducting initial emotional disturbance evaluations. Combined with an ambiguous federal definition, Allan & Hanchon (2013) asserted such practices “could be a contributing factor in the overrepresentation of minority, low socioeconomic status, and single- parent children in ED programs” (p.297).

Since the initiation point for most student referrals for an eligibility assessment starts with classroom teachers, much research has focused on the contribution of teachers’ perceptions, bias and/or judgment. Osher et al. (2004) found:

Teacher perceptions, judgment, and capacity play a powerful role in referring students for identification. They also play a key role in setting the stage for, and maintaining or exacerbating academic and behavior problems-factors that place students at risk for subsequent referral and identification. Teachers attitudes, perceptions, and understanding of student behavior and teachers' ability to interact with students are mediated by gender, ethnicity. (p. 56)

Peters et al. (2014) noted a “substantial amount of variance in teacher-rated behaviors is attributable to differences in teachers or classrooms” (p. 461). “Recent research at the classroom level confirms that school-identified students with ED vary significantly in their behavioral and social characteristics” (Wiley, Siperstein, Forness & Bringham, 2010, p.451). Further, students' behaviors differ “from school to school and in predictable and important ways” (Wiley et al., 2010 p. 457):

Skiba, Simmons, Ritter, Kohler, Henderson and Wu (2006) interviewed 66 educators on their perspectives of urban education, special education, resources, and the topics of diversity and disproportionality. Results converged into five themes or factors contributing to disproportionality with the first speaking to the contribution of socio-demographic factors. Overall, teachers not only feel inadequately prepared to address the issues associated with students of poverty, but also expressed a considerable lack of district-based resources to assist these students.

The second theme focused on the contribution of the general education classroom, specifically classroom behavior management issues. Teachers recognized a difference between expected classroom behaviors and the “African American behavioral style” (p. 1434) resulting in a high degree of student discipline and special education referrals. They further indicated large student-teacher ratios and high stakes testing accountability as direct causes for removing students requiring excessive attention-academically or behaviorally-from the classroom.

The third influence to disproportionality was the special education evaluation process. While teachers did not feel the process itself caused disproportionality because of the time allocated to and specificity of information required, many expressed great inability to address inappropriate classroom behaviors. Further, racial differences between teachers and students appeared to exacerbate cultural perspectives, thus resulting in misunderstandings leading to discipline and special education referrals.

Availability of needed resources was the next consideration for disproportionality. In order for teachers to make classroom accommodations and individualization for students, time and knowledge is necessary. In this study, both concepts were most often absent, leaving teachers to resort to out-of-class referrals contributing to the viewpoint that special education is the primary intervention versus a service or resource. Overall, many of the teachers did not consider disproportionality a concern in their buildings or district-wide. However, discussing race and classroom diversity (or the lack of) was difficult, especially evidenced by with White teachers.

Thomas, Coard, Stevenson, Bentley & Zambel (2009) examined African American males adjustment in the classroom and teachers perceptions of the adjustment. Results indicated three potential factors affecting teachers' perceptions including rejection sensitivity, anger expression, and racial socialization. The study included 148 African American males in middle and high school and their 25 teachers. On a whole, teachers viewed students who demonstrated the ability to control their external aggression in the classroom far more favorably than those who are challenged to do so. When students were aware that classroom practices were discriminatory, they responded in an emotionally negatively fashion, affecting their adjustment. Likewise,

amplified male bravado increased the likelihood that externalized emotion was viewed as problematic.

Factors Potentially Contributing to Disproportionality in Emotional Disturbance Eligibility

Special Education Referral and Eligibility Process

It is important to discuss the actual process of a special education eligibility referral and eligibility determination that involves both hard data as well as human judgment. A special education referral and evaluation most often occurs when there is an observed (or perceived) academic or behavioral concern. “In accordance with state statutes, school districts must use a process that determines how a child responds to scientific, research-based interventions as part of the evaluation procedures to determine special education eligibility under the category of specific learning disability” (Illinois State Board of Education, 2012). Although state requirements address the eligibility specific learning disability, most districts have chosen to use the RtI procedure as part of the evaluation for other disability categories, including emotional disturbance.

According to this state’s definition, Response to Intervention (RtI) is an:

ongoing process of using student performance and related data to guide instructional and intervention decisions for ALL students. It is a part of a multi-tiered problem solving model of prevention, interventions, and use of educational resources to address student needs. RtI matches instructional and intervention strategies and supports with student needs in an informed, ongoing approach for planning, implementing, and evaluating the effectiveness of curricular supports and interventions. (Illinois State Board of Education, 2012)

This State provides statutes that regulate special education and provide the legal structure for the implementation of Response to Intervention (RtI) in districts across the state. Beginning January 1, 2008, the state issued a framework for statewide implementation of RtI and required that each

school district establish RtI plans by January 1, 2009. The district plans were to lay the foundation for the implementation of an RtI process (Illinois State Board of Education, 2012).

When determining whether a student is eligible for and entitled to special education services, information on how a student responds to scientifically-based instruction and intervention is required by the State. When using RtI as a framework for special education eligibility decisions, the following questions are asked: “(a) What is the discrepancy of the student’s performance with the peer group and/or standard? (b) What is the student’s educational progress as measured by rate of improvement? And (c) What are the instructional needs of the student?” (Illinois State Board of Education, 2012, p.1).

Further, there are exclusionary factors that need to be considered and ruled out before a student can be determined eligible for special education services and include: (a) A visual, hearing, or motor disability, (b) Intellectual disability, (c) Emotional disability, (d) Cultural factors. (e) Environmental or economic disadvantage as well as chronic medical conditions, frequent absences, and sleep disruptions merit consideration, and (f) Limited English Proficiency (Illinois State Board of Education, 2012).

A special education referral and evaluation can be initiated by either the school or parent and most often occurs when there is an observed (or perceived) academic or behavioral concern. The first step in the process is to determine if an evaluation is warranted through thorough review of existing student information. This includes information provided by the parents, current formative and summative assessments and observations, and observations of teachers and related services providers. Once evidence indicates that an evaluation is warranted, that is there appears to be academic and/or behavioral discrepancies in the students’ achievement as

compared to peers, parents must provide written permission for their child to be individually assessed (Friend and Bursuck, 2010). There are 13 different disability categories listed in IDEA: autism; deaf-blindness; deafness; emotional disturbance; hearing impairment; intellectual disability; multiple disabilities; orthopedic impairment; other health impairment; specific learning disability; speech or language impairment; traumatic brain injury; or visual impairment (including blindness).

As required by state regulations, the evaluation team must include a general education teacher, school psychologist, school administrator, and other specialized professionals as necessary (i.e. social worker, speech pathologist, etc.). The evaluation process itself must be comprehensive and include interviews with the student and parents as well as observations of the student in multiple settings. Intelligence and achievement assessments may be conducted in addition to analysis of, but not limited to, student classroom work, cumulative records, and district assessments (Center for Public Education, 2009) and social and behavior skills. A social and developmental history may be used to learn about the student's family life and major events in her development that could be affecting education as well as any health appraisal or specialized medical evaluation (Friend & Bursuck, 2010). The assessment “must be completed by individuals trained to administer the tests and other assessment tools used; the instruments must be free of cultural bias; the student's performance must be evaluated in a way that takes into account the potential disability; and the assessment must provide data that are useful for deciding an appropriate education for the student” (Friend and Bursuck, 2010). According to IDEA, disability exists and a student is eligible for special education services when the assessment indicates the disability adversely affects the student’s educational performance.

Overwhelmingly, special education referrals occur in elementary school when students' academic concerns are first manifested. Robust and unbiased assessments clearly result in the best outcome for the student while the converse perpetuates disproportionality limiting student opportunity for academic achievement.

Black/White Discipline Gap as a Factor of for Referral and/or Determination

Forty years of data has fervently confirmed African American students, especially males, are disproportionately identified as emotionally disturbed when compared to their Caucasian peers. Also acknowledged is that several factors potentially contribute to this student population being referred for an initial evaluation for emotional disturbance. Like the emotional disturbance referral, there is a plentitude of documentation of African American students, especially males, overrepresented in the most serious discipline actions (Fenning & Rose, 2010). Considering the three factors aforementioned and identified by Hart et al. (2010), does the Black/White discipline gap fall under the umbrella and thus influence this phenomenon?

Although imparting discipline upon a student does not necessarily equate to a fast track to special education referral for emotional disturbance, there are certainly similarities between the two processes. Most striking, and prevalent, upon review of the research is the lack of adults' ability to address the social/emotional/behavioral needs of the students. Rather, discipline and special education referral of emotional disturbance appear to be the naturally occurring consequence of the teacher and other school staff's inability to navigate the social/emotional/behavioral needs of African American students.

African American youth are suspended 2.3 times more frequently than their Caucasian peers. Further, students categorized as male, lower socioeconomic, African American and

special education experience higher rates of suspensions and expulsions, supporting that students most in need are the most likely to be pushed out of school and to be part of the school to prison pipeline. (McElderry & Cheng, 2014)

Skiba, Horner, Chung, Rausch, May, & Tobin, (2011) found in schools catering to student in kindergarten to grade 6, African American students accounted for 25.8% of the school enrollment, yet 43% of the discipline referrals. Conversely, Caucasian students comprised 45.5 % of the population with a 34.3% referral rate. In schools accommodating students in grades 6 through 9, African American students comprised 21.9% of the student enrollment yet 41.7% of the discipline referrals. For the same grade levels, Caucasian students accounted for 54.5% of the student population and 34.6% of the discipline referral. In the kindergarten to grade 6 schools, African American students were more likely than Caucasian students to receive an out-of-school suspension and/or expulsion for all types of infractions including minor misbehaviors such as disruption or noncompliance. However, in the grades 6 to 9 level, out-of-school suspensions and/or expulsions were most likely for disruption, moderate infractions and tardy/truancy (Skiba et al. 2011).

Disproportionality of school discipline with African American students is neither unique nor rare occurrence (Skiba, Michael, Nardo, & Peterson, 2002). Rather, this practice appears to be “part of a broader discourse concerning the continuing presence of institutional racism or structural inequity” (Skiba et al., 2002, p.322), as well as “part of a complex of inequity that appears to be associated with both special education overrepresentation and school dropout” (Skiba et al., 2002, p.322). To ascertain the extent of disproportionality, Skiba et al. (2002) aimed to assess and analyze disciplinary data of middle-school students in a large, urban

Midwestern public school district. Results indicated a “robust pattern” (Siba et al., p. 355) whereby African American students experience greater out-of-school suspensions than their White counterparts due to higher office referrals. African American students were most often referred for behaviors such as disrespect, excessive noise, threatening and loitering while White students were referred for behaviors such as smoking, leaving without permission, vandalism and obscene language. Data indicated while African American students accounted for 56% of the enrollment versus 42% for White students, the percentage of referrals were 66.1% for African American and 32.7% for White students. Regarding suspensions (meaning out-of-school suspensions) and expulsions, 68.5% of the suspensions and 80.9% of the expulsions were African American students versus 30.9% and 17%, respectively, for White students. Interesting to note regarding consequence (suspensions), durations were not different across race/ethnicity, meaning all students suspended received the same number of days out-of-school suspension. Rather, consequence reflected the rate of office referrals. In this case, the number of office referrals was much greater for African American students compared to their White counterparts, a finding supported by Gregory, Cornell & Fan (2011) and Rocque (2010). Skiba et al. (2002) believe “these sources of institutional inequity persisting throughout public education may not rise to a conscious level among school personnel, yet they have the effect of reinforcing and perpetuating racial and socioeconomic disadvantage” (p. 323). Despite preconceptions, this is not exclusively an urban environment setting issue with similar risk profiles found in rural areas (Price, 2002 in Farmer, Goforth, Clemmer & Thompson, 2004).

Since scholars have identified characteristics of schools that generate excessive referrals for emotional disturbance eligibility of African American students, so too are there attributes of

schools that exhibit a high rate of exclusionary discipline practices. “Disciplinary actions provide a concrete indication of teacher and administration reactions to children who struggle with peer relationships, school structure, and demands, and disciplinary actions are strongly related to continued school misbehavior, academic development, lowered achievement, diminished self esteem and increased likelihood of school drop out” (Horner, Fireman & Wang, 2010, p.136).

Horner, Fireman & Wang (2010) suggest a school’s choice to “discipline a child depends on three factors: the students’ actual behavior, the context in which the behavior was demonstrated, and the tolerance level and attitudes of the teacher and administrator” (in Horner et al., p. 136). Townsend (2000) found comparable results but explained in greater detail the impact of those factors contributing to excessive discipline, the first being the school. Results of the study found excessive discipline of African American students was the result of sizable disparities between the characteristics of the student population versus the teaching staff, including fewer African American teachers compared to the student population and socioeconomic differences. Also noted were generational differences between the students and teachers, meaning the age gap between students and teachers was so significant that neither could relate to each other.

The second factor contributing to excessive discipline was cultural conflicts between the school’s behavioral expectations and behavioral norms of African American students. An example of this can be when, for example, African American students multi-task and engage in conversation while doing assignments or engage in rituals before tasks (i.e. sharpening pencils, going to the bathroom). Such behaviors are not typically valued and often less tolerated as classrooms behavior. Overall, African American students exhibit more externalizing behaviors

than Caucasian students (Peters et al., 2014).

Townsend (2000) notes that language and communication barriers, both verbal and nonverbal, constitute the third factor contributing to excessive discipline. African American students use of slang and the changing vernacular of slang is often either not understood or misunderstood by adults. Likewise, the volume of African American students' speech is often louder than non-African American peers and which can be deemed as less desirable classroom behavior. Nonverbally, African American students can be described as enthusiastic, which often is perceived negatively as threatening, combative or argumentative. Although Townsend (2000) disaggregated observations into three contributing factors, it is readily apparent the factors are not mutually exclusive and, combined, create an environment ripe for misuse.

The notion that a school's climate and culture contributes to excessive exclusionary discipline of African American students has been explored. In a study conducted by Gregory, Cornell & Fan (2011), researchers identified a relationship between school structure and support and suspension rates. Schools identified as "indifferent" to their students had greater suspensions and the Black/White discipline gap was larger. Conversely, when students feel teachers push them to work hard and accept challenges suspension rates were lower. Fenning and Rose (2007) suggest school personnel have the belief they must always be in control of student behavior. When a student does not demonstrate the expected behaviors according to school norms, they are labeled unsafe and/or a menace and are subjected to exclusionary discipline, including for nonviolent infractions. The researchers also submit, due to high stakes achievement testing now prominent in all public schools, administrators suffer considerable pressure to remove students who are behavioral outliers when compared to peers. Kaufman et al.

(2004) concurs and believes referrals for discipline, and later emotional disturbance eligibility, have been influenced by the combination of IDEA regulations and No Child Left Behind's affect on curriculum and accountability. Skiba & Grizzle (1991) report teachers' referrals for evaluation for emotional disturbance eligibility often include aggressive and/or noncompliant behaviors. "Aggression, disruption and defiance are least tolerated in regular education classrooms and that the children exhibiting those behaviors are most at risk for referral for special education" (p.586). Wildhagen (2012) investigated how teachers and schools contribute to racial differences in the realization of academic potential. Results showed schools with strict discipline climates contribute to the lack of academic potential for African American students, especially schools that are 75-100% minority. Academically, differences in attitudes and school behaviors between Black and White students does not account for differences in academic potential, however, teachers' perceptions of students classroom effort contributes to racial difference in academic potential.

Takei and Schouse (2008) explored the relationship between teachers' race and their perception of students' work. Consideration was given to whether the teachers and students race was the same (symmetry) or different (asymmetry). The researchers found several unique outcomes of the investigation. In more affluent schools, math and science teachers rated students more negatively than those in less affluent schools. Takei and Schouse (2008) believe this suggests "that the performance standards may rise in relation to SES" (p. 378). English and social studies teachers gave lower ratings to students in schools with a greater number of Black students but not in schools with lower socioeconomic environments. White English and social studies teachers rated Black students lower than White students, while Black English and social

studies teachers rated their Black students similarly as White teachers. However, Black math and science teachers rating of Black students was substantially lower than that of White math and science teachers.

Wiley, Siperstein, Forness & Bringham (2010) suggest a relationship between a school's student population and overall level of academic performance and the determination that a student is eligible as emotionally disturbed. High academically performing schools demonstrate less tolerance for externalizing behaviors but may not refer the students for special education eligibility. However, schools demonstrating low academic performance consider those students with the most severe externalizing behavior as emotionally disturbed. Further, availability and accessibility to resources to assist the students-both perceived and actual-appears to clearly affect judgment about the gravity of the behaviors both perceived and actual.

Outcomes for Students Identified as Emotionally Disturbed

Outcomes for students in special education, in general, and those identified as emotionally disturbed specifically, both short and long term are widely known. Students identified as emotionally disturbed are more likely to be placed in restrictive settings (Merrell and Walker, 2004; Skiba, Polini-Sataudinger, Gallini, Simmons, & Feggins-Azziz, 2006). In one study, Skiba et al. (2006) found that 8.4% of emotionally disturbed students were served in a general education classroom compared to over 27% served in separate setting. African American students were only .71 times as likely as all other students to be served in general education classrooms, yet almost three times as likely to be served outside of the general education classroom 60% or more of the day. Emotionally disturbed students experience a greater risk and rate of suspension (Sullivan, Van Norman & Klingbeil, 2014), lower graduation

and higher drop out rate (Maag & Katsiyannis, 2008), and are more likely to be incarcerated (Maag & Katsiyannis, 2008, Merrell & Walker, 2004). Compared to other students with disabilities, the families of emotionally disturbed students are often “blamed” for the disability (Merrell & Walker, 2004). When Bower (1982) conducted his original research resulting in the definition of emotional disturbance, he noted that as children “became older and advanced in grades, the child fell further behind his nondisabled classmates in ability to learn, have positive interpersonal relationships, act appropriately, have feelings of self worth” (p. 58).

A nationwide perspective of students with emotional disturbance was conducted in a data analysis study by Wagner, Kutash, Duchnowski, Epstein & Sumi (2005). Resulting data were grouped into three critical designations: students and household characteristics, functional characteristics of children and youth classified with emotional disturbance, and education- and service-related experiences with additional variables identified under each designation. When assessing variables under students and household characteristics, Wagner et al. (2005) found more than 75% of the students identified as emotionally disturbed were boys compared to two-third of students with other disabilities and 50% of the general education population. Ethnically, African Americans represented a significantly larger percentage of children identified as emotionally disturbed when 17.1% of African Americans comprise the overall population. Looking at households of students with emotional disturbance, a greater percentage of students lived in poverty, over one-third lived in a single-parent home, one-fourth lived in a residence where the head of household is unemployed, were more than twice as likely to have head of household who is not a high school graduate, and were more likely to live with a family member who has a disability.

The second designation explored the functional characteristics of children and youth classified with emotional disturbance. Children with emotional disturbance often present comorbidity with other disabilities. Despite the presence of a variety of disorders such as anxiety, bipolar and Tourette's disorders, depression, obsessive-compulsive, oppositional behaviors, and psychosis, the most frequent (more than 60%) comorbidity was attention deficit disorder (ADD) and/or attention deficit disorder (ADHA) and learning disabilities (Wagner et al., 2005). This conclusion was supported by Wei, Yu and Shaver (2014) who found students who exhibited comorbidity of emotional disturbance and ADHD "exhibited worse social and behavioral outcomes that persisted over time, as well as slower growth over time in math calculation skills" (p.215).

Social skill development (or lack thereof) was also a prominent characteristic of students with emotional disturbance with less than 10% of such students rated as having high overall social skills and 2 ½ times more likely to have scored low in self-control (Wagner et al., 2005). However, although cognitive skills were higher (62.7%) than other disabilities, Wagner et al. (2005) found academic achievement scores were "virtually identical to those of children with other disabilities, including those with mental retardation, autism, and multiple disabilities, many of whom experience significant cognitive limitations" (p.87). Finally, a significant proportion of students with emotional disturbance exhibited difficulties with communication skills. Specifically, more than one-third of the children presented expressive language challenges while more than two-fifths had difficulties with receptive language.

The third and final designation Wagner et al. (2005) identified was education-and service-related experience with the first variable being explored as age of identification and first

service for a disability. Researchers learned age in which children are identified with an emotional disturbance versus the onset of service provision was approximately 2 years; one year later than their peers with other disabilities. Similarly, children with emotional disturbance were less likely to receive early intervention than peers of other disability groups. Close to one-third of elementary students and twice as many secondary students with emotional disturbance changed schools frequently. Over 64% of the students attended at least four schools, primarily due to re-assignment by the school district. Students with emotional disturbance experienced retention at least once and more often than peers (22% vs. 8%). Rates of suspension and expulsion were also higher for students identified as emotionally disturbed. For secondary students the rate was at 72.9% versus 22% of students in the general education population. “Not only do students with ED have more difficult relationships with their schools in some ways than students with other disabilities and students in the general population, but their parents do as well” (Wagner et al., 2005, p.89). Parents were more likely to voice displeasure with the schools and were more likely to be involved in mediation and due processes.

Placement and services for students with emotional disturbance is often unique and exclusionary. Overall, *students emotional disturbance* participate in the general education environment less frequently than students with other disabilities. Bradley, Doolittle and Bartoletta (2008), by studying longitudinal data, found 30% of elementary school students identified as emotionally disturbed and 32.9% of middle school students spend time in special education classes compared with 13.7% of elementary and 17.8% of middle school students with other disabilities (p.7). Even when such students are placed in special education classes, they are more likely to be placed in classes consisting of students who also have an emotional

disturbance, dissimilar to students of other disabilities. Bradley et al. (2008) also found that teachers of students with emotional disturbance may not be highly qualified. Data indicated the “number of teachers of students with EBD hired on an emergency license is significantly greater than for other areas of teaching” (p.7). Further, “students with significant EBD are more likely to receive a large portion of their services from paraprofessionals” (p.7).

As recent as 2015, Villarreal, in hopes of expanding on previous research, examined rates of identification, placement, and outcomes of students with emotional disturbance. Much like earlier inquiries, identification rates for student with emotional disturbance were considerably dissimilar across all states. Some states identified as much as five time more students as did other states, with placement rates portraying a similar pattern. When compared to other states, some demonstrated as much ten times as many students in the most restrictive (e.g. separate facilities) educational environments. Villarreal (2015) contends the vast differences may be due to factors such as state definitions, differences in resources available to students, and differences in the availability and capability of school staff in meeting intense student needs. Although great variability of placement remains noteworthy, there was an evident increase in less restrictive environment placement. Additionally, a substantial inconsistency in graduation rates existed across all states indicating a relationship between state identification rates of students with emotional disturbance and graduating with a regular high school diploma. More specifically, those states with a more inclusive definition of emotional disturbance demonstrated greater diploma graduation rates due to, perhaps, increased inclusion in general education environments.

The Social Construction of Disability

Despite specific processes and criteria for special education eligibility determination being in place, it that appears interpretation and implementation affect the actual outcome. As mentioned above, each eligibility determination is comprised of assessments accentuating cognitive, academic achievement, social/emotional/behavioral, medical, and potentially communication domains. However, the skill of the professional(s) and perhaps their own position in the social milieu, conducting and interpreting assessment results impact decisions made by assessment team. Other factors contributing to the interpretation process include a institution's or parent's desire for eligibility determination, a potential lack of support services in the general education environment to address the student's needs, and the social influence of local medical personnel to name only a few. As early as the mid-1980's, ten years after the passage of ECHA, Sleeter (1986) asserted the existence of social construction of learning disability contending that school structures are connected with the needs of the "dominant economic and political groups in society" (Sleeter, 1986, p. 47). Disproportionality, therefore, must be examined "in the context of the larger societal and social phenomena" (Blanchett, 2006, p. 27). With the context for the issue of disproportionality provided in the prior sections, this chapter now focuses discussion on applying a social lens to study disproportionality in special education eligibility determination.

Defining Social Construction

Defining social constructionism is not dissimilar from attempting to define other nebulous constructs like intelligence and inclusion. One dictionary definition states a *social construct* is "a social mechanism, phenomenon, or category created and developed by society; a

perception of an individual, group, or idea that is 'constructed' through cultural or social practice”

(Social, 2014). *Social construction*, according to Klotz & Lynch (2007) refers to:

an underlying understanding of the social world that places meaning-making at the center. That is, humans’ interpretations of the world produce social reality; shared understandings among people give rise to rules, norms, identities, concepts, and institutions. When people stop accepting, believing in, or taking for granted these constructions, the constructions begin to change; people consciously and unintentionally replicate and challenge institutionalized routines and prevailing assumptions. (Klotz & Lynch, 2007, p. 3)

Rather succinctly, Hruby (2001) remarked only that knowledge is socially constructed in communities.

Paul A. Boghossian (n.d.) asserted, to say something “is socially constructed is to emphasize its dependence on contingent aspects of our social selves. It is to say: This thing could not have existed had we not built it; and we need not have built it at all, at least not in its present form” (p.1). However, Boghossian (n.d.), similar to Ian Hacking in his book, *The Social Construction of What?* (1999), acknowledged the application of the concept of social construction pertains to tangible items as well as beliefs. That is, we would not have created this thing that is a newspaper had society not deemed necessary for its daily, communal function. Conversely, “when we believe something, we believe it because we think there are reasons to think it is true, reasons that we think are general enough to get a grip even on people who do not share our perspective” (p. 9).

Leaning toward the nurture end of the nature-nurture debate, overall social constructionism is a theory of knowledge grounded in social sciences that examines the development of mutually created understandings of the world (Leeds-Hurwitz, 2009). Peter Berger and Thomas Luckman (1967) are credited with coining the term social construction in their work, *The social construction of reality: A treatise in the sociology of knowledge*. The

essence of Berger and Luckman's work asserted all knowledge, including day-to-day reality, originates from and is maintained by social interactions. With roots in phenomenology, the study of structures of consciousness as experienced from first-person point of view (Smith, 2013), social construction presumes understanding, significance, and meaning are fostered in harmony with other human beings, not in isolation within the individual (Leeds-Hurwitz, 2009).

Despite a significant movement in the 1980's and 1990's, Ian Hacking (1999) cautioned us that the use of the term social construction can be and has been applied to a multitude topics. On the first page of his book, *The social construction of what?*, Hacking (2009) lists 24 items said to be socially constructed (p. 534), ranging from knowledge to authorship, quarks and Zulu nationalism. His goal certainly was not to discredit the philosophy of social construction, but rather to ensure that the term is correctly applied to topics in question. Ultimately, Hacking (2009) asserted that issues of reality are deeply embedded in our belief systems and genuinely lack a definitive, agreed upon conclusion that should lead us to thoughtful interpretation. Subscribing to this logic, Patton (1998) invited assessing disproportionality seen in special education eligibility determination from this perspective. While stressing that knowledge and those who produce knowledge is strongly affected by culture, certain basic assumptions and beliefs used by special education knowledge producers serve to maintain disproportionality.

Social Construction of Disability

Disability as being socially constructed is a perspective that relies on recognizing "much of what is believed about disability results from meanings attached by those who are not disabled and challenges the assumptions upon which those meanings rest" (Jones, 1996, p.349). Therefore it is imperative to explore the social structures that have created handicaps out of

characteristics.

Anastasiou and Kaufman (2011) assert there are three steps that occur for a disability becomes socially constructed. First, “something (*X*) is considered by most people to represent a real condition and has the status of a current scientific concept (initial condition). Then, they challenge the actual existence of *X*, arguing that *X* is simply a social construction shaped by specific social events, forces, or, history” (p. 372). The second step in the social construction of a disability is to acknowledge and understand that *X* is unsatisfactory. This leads to step three, as such, we are obligated to transform the social category or eradicate any label for it.

Bowles and Gintis (1976) originally established their *cultural reproduction* theory as a way to explain the perpetuation of class-based differences, but then later expanded to describe how racial and class inequity is reproduced over time in an effort to uphold the status quo at the expense of less privileged groups (Patton, 1998; Skiba et al., 2006). Further, they posit that the function of school is to maintain existing social class relationships (Mehan, Hertweck, & Meihls, 1986). More precisely, Bowles and Gintis (1976) contend that schools are designed to train “elites to accept their place at the top of the economy” (Mehan et al., 1986, p. 10), while others are educated to accept their place as the lowly workers. Mehan (1986) further elaborates there exists a “hidden” curriculum in schools that are dependent upon the social class of the neighborhood (p.10). Working-class neighborhoods are taught “docility, rule following, passivity and obedience to external authority” (p. 10), while the elite classes are expected to “work at their own pace without supervision, to make intelligent choices, to internalize norms rather than flowing externally constraining norms” (p.10). At the turn of the twenty-first century, Bowles and Gintis (2002) revisited their original theory to ascertain if their initial

contentions sustained and found that to be the case. However upon revisiting their theory, Bowles and Gintis (2002) discovered that their original work failed to provide “enough attention on the contradictory pressures operating in schools, particularly those from the labor market” (p. 15). Decisively, the scholars firmly defend that the concept of cultural reproduction exists and is responsible for a variety of social issues of which disproportionality in special education eligibility is one.

Stubblefield (2009) advocates for eliminating special education labels because she considers intellect to be a social construct. When applied to African American students, the disproportionate number of students in special education result from “three propositions: 1) intellect as a measure is a social construct, 2) the concept of intellect in the United States was developed by ‘White elites’ as an instrument of ‘anti-Black oppression’ which continues, and 3) African American students receive less services because they are perceived and being intellectually inferior” (p. 532). “The notion of a measurable intelligence quotient or the idea that any test of specific skills can measure intellect in some general sense is itself part of how our contemporary understanding of intellect has been constructed” (Stubblefield, 2009, p. 534). Because disproportionality of African American students is more evident in the judgment categories of mildly intellectually disabled, emotionally disturbed and learning disabled whereby no physical diagnosis can support or refute the existence of a disability, Barton (1986) contended that the term *children with special education needs* is a “euphemism for failure” (p. 273).

Institutional Practices Contributing to Social Construction of Disability

A great deal of educational research points to practices and procedures used by schools to identify students eligible for special education services as a primary factor in the

overrepresentation and subsequent disproportionality of African American students.

Disability...does not exist in the head of educators nor in the behavior of students. It is, instead, a function of the interaction between educators' categories, institutional machinery, and students' conduct. Designations like disability and handicap do not exist apart from the institutional practices and cultural meaning systems that generate and nurture them. (Mehan et al., 1986, p. 164)

Dudley-Marling (2004) concurs stating a learning disability can only be understood in the "context of schooling" (p. 484). Rogers (2002) sought to explore this concept further by investigating special education meetings for one student across two school years. The student was labeled as speech impaired and multiple disability. Following the second year of meetings, the author identified three crucial contradictions in the educational process comparing the two-year's worth of meetings. During the first year meeting, the student was distinguished based upon her skill deficits. This was in stark comparison to the second year's meeting which focused on a strengths perspective, most notably how spectacularly she was doing in the classroom. The second contradiction was the presentation of evidence. During the first year, the meeting was "very formal and highly structured and presented a great deal of data to evidence the need for student eligibility and placement"(p. 225). However, the second year was marked by an informal tone, including increased input by the student's parent and little hard data on the student's current level of performance. The third and final contradiction was the continued consent, or rather student placement perception. Due to the overwhelmingly positive information presented, the parent (and student) expected her removal from a self-contained classroom versus the school's request for her to remain in the current placement. "The special education process is set up in a manner that insists on parent involvement yet structures the alternatives in such a way that in order to enable students and families, they must also be constrained" (Rogers, 2002, p.

229). Rogers (2002) concluded that disability is a mediated construct between the individual and the social world.

According to Schneider and Ingram (1993), the social construction of a target population “refers to cultural characterizations or popular images of the persons or groups whose behavior and well-being are effected by public policy” (p. 334). As a result, constructions become entrenched in policy, which subsequently become immersed in the public perception of that group. Artiles, Kozleski, Trent, Osher and Ortiz (2010) extend that thinking to the special education identification process. Following a systematic search of research on disproportionality from 1968 to 2006, Waitoller, Artiles, and Cheney (2010) found the primary reason for over identification was professional practices (e.g. referral processes, eligibility determinations, placement meetings, etc.) that incorporate professionals’ beliefs onto the processes. Much research exists to support Waitoller et al. (2010) in the process of special education eligibility and placement as a basis for disproportionality (Mehan & Anderson, 1994; Oakes, Wells, Jones & Datnow, 1997; Skiba et al., 2006; Skiba et al., 2008).

From looking at professional practices in the eligibility process, Artiles et al. (2010) conclude that there are three cultural perspectives that drive disproportionality. The first viewpoint is that culture is located in individuals “knowledge, beliefs, values, as well as the groups conventions and expectations for everyday life conduct” (p.288). This perspective states that a group has agreed-upon behaviors and convey those behaviors to subsequent generations. The second cultural perspective considers culture as a “marker...where race or social class is assumed to have a main effect on peoples thinking and behavior” (p.289). Essentially this states a membership in a particular group defines the behaviors, values, and beliefs of that group. The

final cultural perspective is “interpretative and focuses on how individuals and groups make sense and interpret everyday events.” (p.289). Mehan (1992), a staunch supporter of the social construction of special education eligibility determination, reminds us “it is not possible to have special education without institutional practices for their recognition and treatment” (p.13).

In summary, if we accept the following core tenets then examining the issue of overrepresentation of racial and ethnic minorities in special education through a social lens is relevant: 1) the more judgmental eligibility of *emotional disturbance* is socially constructed, 2) involved professionals’ beliefs and views are imbedded in the referral and eligibility process determination, 3) the process, with its attendant practices, is conducted within the norms of the institution and, 4) the two, professionals and institution, are intertwined and interact to influence the eligibility outcome. With these tenets as a platform, this research will address the following questions:

1. Are minority students, particularly African American elementary school students, more likely to be disproportionately represented in special education eligibilities across school districts in the county, and if so which ones?
2. Within the referral and eligibility process employed, what criteria are used to determine the eligibility emotional disturbance?
3. Do the commonly held perceptions and practices present within the school district’s culture influence the process and decision-making for eligibility?

CHAPTER 3

METHODS

The research for this dissertation intended to examine the long-standing issue of racial and ethnic disproportionality in special education through a lens of social construction. Specifically, the purpose of my research was to study how a school district's practices and social norms influence the outcome of the referral and eligibility process in districts identified as having disproportionate representation of African American students in the eligibility category of *emotional disturbance*. The research addressed the following questions: (1) are minority students, particularly African American elementary school students, more likely to be disproportionately represented in special education eligibilities across school districts in the county, and if so which ones; (2) Within the referral and eligibility process employed, what criteria are used to determine the eligibility emotional disturbance; and (3) Do the commonly held perceptions and practices present within the school district's culture influence the process and decision-making for eligibility?

The target study group was the elementary school setting (grades 1 through 8) in selected school districts in a large, urban Midwestern county. The research used a mixed methods study design, specifically a pragmatic sequential design (Mertens, 2010), comprised of two phases. The first phase was quantitative and identified the distribution of students by race and ethnicity eligible for special education across elementary schools districts in the county. Special attention was given to the specific eligibility of *emotional disturbance*. Data analyses were used to inform

the conduct of Phase 2, the practices and commonly held perceptions present within the school district's culture that occur during the assessment. The second phase used a qualitative approach of semi-structured face-to-face interviews of key professionals involved from the selected school district. This design was well suited for a study where quantitative characteristics guide purposeful sampling for a qualitative phase, which is the case for this research.

Rationale for the Research Design

Mixed methods can best be defined as research “in which the investigator collects and analyzes data, integrates the findings, and draws inferences using both qualitative and quantitative approaches or methods in a single study or program of inquiry” (Tashkkori & Creswell, 2007, p. 4). Maxwell and Mittapalli (2010) purported the primary reason for combining qualitative and quantitative methods is their “complementarity” (p.148); the different strengths and limitations used together allows one to draw conclusions that may not be possible with either method alone and also allows for methodological eclecticism that may result in higher quality research (Johnson & Onwuegbuzie, 2004; Maxwell & Mittapalli, 2010). Kanbur (as cited in Green, 2008) noted “qualitative and quantitative methods can jointly contribute to inquiry findings through ‘examining, explaining, confirming, refuting, and/or enriching information from one approach with that from the other’” (p. 14). Jang, McDougall, Pollon, Herbet and Russell (2008) further elaborated that a mixed methods design aspires for “elaboration, clarification and explanation” by using diverse methods (p. 223). This design is well suited for a study where quantitative characteristics guide purposeful sampling for the qualitative phase (Creswell & Clark, 2007). Likewise, mixed methods are especially valuable

for educational, psychological and social inquiries where the qualitative and quantitative techniques can address questions in a manner that neither can do best alone (Mertens, 2010).

Creswell and Plano Clark (2007) identified four primary mixed methods design types with variations based on “timing (concurrent, sequential), weighting (equal v. unequal), and mixing (during which phase of the process and how data are merged)” (p. 316). Although the field of mixed methodology has several typologies (Creswell & Plano Clark, 2007; Green, 2008; Ivankova, Creswell & Stick, 2006; Jang et. al, 2008; Johnson & Christensen, 2008; Maxwell & Mittapalli, 2010; Mertens, 2009; Mertens, 2010; Nastasi et al., 2010), this study employed a mixed methods pragmatic sequential explanatory design (QUAN →qual): a two-step mixed methods process in which the qualitative component, “helps explain or build upon quantitative results” (Creswell and Clark ,2007, p. 41). More specifically, quantitative “data provides the basis for collection” of qualitative data (Mertens, 2010, p. 297). Further, sequential designs in which quantitative data are collected first can use statistical methods to determine which findings to “augment in the next phase” (Driscoll, Appiah-Yeboah, Salib & Rupert, 2007, p.21). This is in contrast to a *parallel approach*, where two types of data are collected simultaneously or with little lag time between. Further, the pragmatic sequential design answers one type of question by collecting and analyzing two types of data while inferences are based on analysis of both forms of data (Mertens, 2010, p. 299). While this study identified aspects of race and social justice with minority populations that classically are the hallmark of transformative methodology, this study utilized a pragmatic sequential approach (as cited in Mertens, 2010, p.301). This choice was made because “in the pragmatic sequential mixed methods design, one type of data (e.g.

quantitative) provides the basis for the collection of another type of data (e.g. qualitative)” (Mertens, 2010, p. 300).

Phase1: Quantitative Component

Data Sourcing

The 2004 reauthorization of *Individuals with Disabilities Education Act (IDEA)* requires state education agencies (SEAs) to submit an Annual Performance Report (APR) to the Office of Special Education and Rehabilitative Services (OSERS) in the U.S. Department of Education of local education agencies (LEA) or school districts’ overall performance and progress on 20 Indicators, or priority areas. Further, SEAs must monitor LEAs using quantifiable indicators in each of the 20 priority areas while using qualitative values as necessary to measure performance in those areas sufficiently. Included in those 20 areas (or indicators) is disproportionate representation of racial and ethnic groups in special education services to the extent the representation is the result of inappropriate identification (IDEA Partnership, 2007). To comply with reporting requirements, SEAs collect and examine necessary data from school districts the details of which and further references are laid out in the *ISBE Special Education Road Map Publication* (ISBE Roadmap, 2012).

In light of the above, the quantitative data for this phase was obtained from two primary sources, online from appropriate state board of education websites and through a Freedom of Information Act request to the State Board of Education for specific data and statistics related to the special education population for each school district’s public elementary school in the county for academic years 2011-2013. Table 1 illustrates the primary data that have been requested for the latest three-year period. A three-year time frame was selected because this researcher thought

additional insights might emerge about whether the risk ratios are relatively stable over time or fluctuate. It is important to note that state data is one full academic school year behind the present school year. Furthermore, this time frame aligns with the state definition for significant disproportionality (discussed below).

Table 1. Primary data

Data Type	Data Requested
Academic Years	2010-2011; 2011-2012; 2012-2013
Target Geographic Area /Data Population	Public elementary school districts in Cook County, identified by name and school district number code State data for identified categories/variables for subsequent calculation purposes Grades 1 through 8
General Data	District and State total student enrollment further broken out by grade, race/ethnicity and gender
Special Education Data	District and State total enrollment for students with IEPs further broken out by grade, race/ethnicity and gender District enrollment of students with IEPs by specific disability category further broken out by race/ethnicity District Indicator 9 and 10 (indicators associated with disproportionality) weighted/alternate risk ratio overall and for specific disability categories, race/ethnicity, gender and grade level

Data Analysis

The quantitative data was used to provide descriptive statistics for key characteristics of the school districts in the county, namely study population demographics, including but not exclusive to the representation of students receiving special education services and

disproportionality. Importantly, the data were used to identify trends and garner insights to answer the first research question: Are minority students, particularly African American elementary school students, more likely to be disproportionately represented in special education eligibilities across school districts in the county, and if so which ones? Lastly, data were used to inform the selection of school districts that meet criteria to participate in Phase 2 (further discussed below).

The primary variable to be analyzed was risk ratio. While risk tells us what percentage of children from a specific racial/ethnic group receive special education and related services for a particular disability, the risk ratio tells us how the risk for one racial/ethnic group compares to the risk for a comparison group. Risk ratio “answers the question, ‘What is the specific racial/ethnic group’s risk of receiving special education and related services for a particular disability compared to the risk for all other children?’” (Bollmer, Bethel, Munk & Bitterman, 2011, p. 19). Risk ratio does this by comparing the relative size of two risks by dividing the risk for a specific racial/ethnic group by the risk for a comparison group. A risk ratio of 1.00 indicates no difference between the risks, ratio greater than 1.00 indicates the risk for the racial/ethnic group is greater than the risk for the comparison group, while a risk ratio less than 1.00 indicates the risk for the racial/ethnic group is less than the risk for the comparison group (Bollmer, et al., 2011, p.27). The basic risk ratio formula is as follows Bollmer, et al., 2011, p. 19):

$$\text{Risk ratio} = \frac{\text{Number African American as emotional disturbance in school district}}{\text{Number of all race/ethnicities for emotional disturbance in school district}}$$

It is important to note that risk ratios may not be comparable across districts when districts have substantially different demographic distributions. The risk for all other children is

influenced by the racial/ethnic composition of the district. Each racial/ethnic group contributes to the risk for the comparison group in proportion to its size relative to the entire comparison group. Therefore, two districts may have identical patterns of risk for their racial/ethnic groups, but substantially different risk ratios because their district-level racial/ethnic demographic distributions differ (Bollmer et al., 2011, p. 41). One way in which this statistical concern is addressed is by incorporating weighted risk ratio that standardize district racial/ethnic distributions based on state-level demographics. Weighted risk ratio combines district-level information about risk with state-level demographics to produce standardized risk ratios that can be compared across districts (Bollmer et al., 2011, p. 41).

The following risk equations referenced in the *Methods for Assessing Racial/Ethnic Disproportionality in Special Education: A Technical Assistance Guide (Revised)* will be used in the analyses (Bollmer, et al., 2011). The general equation for the weighted risk ratio to determine disproportionality in this state is (Bollmer, et al., 2011, p. 42):

$$\text{Weighted Risk Ratio} = \frac{(1 - p_i)R_i}{\sum_{j \neq i} p_j R_j}$$

Here R_i is the LEA-level risk for racial/ethnic group i , and p_i is the SEA-level proportion of children from racial/ethnic group i . R_j is the LEA-level risk for the j -th racial/ethnic group, and p_j is the SEA-level proportion of children from the j -th racial/ethnic group.

With regard to disproportionality, increased emphasis was placed on its assessment as part of the IDEA legislation. Among the 20 indicators states are required to monitor and report on, two are associated with disproportionality: Indicator #9 and Indicator #10. Indicator 9 is the “disproportionate representation of racial and ethnic groups defined as students in a particular racial/ethnic group being at a considerably greater risk of being identified as eligible for special

education and related services than all other racial/ethnic groups enrolled either in the district or the state” (Overview, 2012, p.1). Indicator 10 addresses the “disproportionate representation of racial/ethnic groups in special education disability categories as defined as students in a particular racial/ethnic group being at a considerably greater risk of being identified as eligible for special education and related services in a specific disability category than all other racial/ethnic groups enrolled either in the district or in the state” (Overview, 2012, p.1). The United States Department of Education Office of Special Education Programs requires all SEAs to determine if disproportionality resulting from inappropriate identification is occurring in each LEA. If the latter is identified, SEAs have the obligation to not only alert LEAs, but also provide support to implement activities focused on improvement (Illinois Overview, 2012).

States are free to decide how they will determine if disproportionate representation exists for any LEA. Disproportionality is calculated in this state only for overrepresentation, not underrepresentation. For the purposes of mandated reporting to OSEP, the state’s quantitative criteria for “determining disproportionate representation based on race/ethnicity is a weighted or an alternate risk ratio of 3.0 or greater for a particular group for three consecutive years” (Overview, 2012, p. 2). Data were derived from two LEA data submissions to the state board of education: 1) *Fall Housing Report* (students housed by serving schools) consists of the total student enrollment for each school district in the state on a specified date in September, and 2) *December Special Education Child Count*, a federal requirement whereby LEAs annually report the number of children with disabilities receiving special education and related services, this state’s mandated data collected December 1 (Illinois School Code, 2016). To calculate the weighted risk ratio, data for students aged 6-21 years and grades 1-12 were used; pre-school and

kindergarten data are not incorporated into the analysis. Likewise, any student who is a ward of the state and placed at a facility or residence within the LEA boundaries is also exempt.

Phase 2: Qualitative Component

The second phase of this study was qualitative and directly addressed the second and third research questions: *Within the referral and eligibility process employed, what criteria are used to determine the eligibility emotional disturbance; and Do the commonly held perceptions and practices present within the school district's culture influence the process and decision-making for eligibility?*

Data Collection Procedure and Rationale

As mentioned earlier, a body of research suggests the process of special education eligibility determination and placement serves as a basis of disproportionality (Mehan & Anderson, 1994; Oakes, Wells Jones & Datnow, 1997; Skiba et al., 2006; Skiba et al., 2008). Mehan (1992) further asserts “it is not possible to have special education without institutional practices for their recognition and treatment” (p.13).

In an effort to discover the essence of the practices employed by a school district during the special education evaluation process, this phase employed a semi-structured interview format. The semi-structured interview approach was chosen because it allowed depth to be achieved by providing the interviewer the opportunity to expand and probe the respondents' responses while also reducing interviewer bias and ease of data analysis. More specifically, interviews are used when one needs to fully understand someone's “impressions or experiences” (Mertens, 2010, p. 352). Kvale and Brinkmann (2008) support that assertion and further emphasize the objective of an interview is to understand “themes of the lived daily worlds from

the subject's own perspectives" (p. 24). Interviews are a "familiar, legitimate and respected way of generating information and understanding of others" (Hugh-Jones, 2010, p. 78). Advantages to the interview process include the assessment of a more complete "range and depth of information", establishing a relationship with the participant, and, especially in a semi-structured interview, flexibility with the participant (Mertens, 2010, p. 352).

Corbin and Morse (in Mertens, 2009) posit that there are four steps of the interview process beginning with the *pre-interview* phase. This phase is where the researcher makes initial contact with the participant to discuss the study and determine their interest in participating. Informed consent is obtained at this time. The *tentative* phase initiates the interview and is when a sense of rapport and comfort is established between researcher and participant a sense of rapport. Once the actual interview questions begin, Corbin and Morse (in Mertens, 2009) state this is the *immersion* stage. The primary aim is to obtain as much information as necessary while the participant maintains comfort with the researcher and activity. It is important to note that the skill of the interviewer is crucial to the success of the immersion stage. The final phase of the interview is the *emergence* phase, making certain the participant leaves the interview feeling comfortable and assured what they have shared is supported and confidential.

One serious concern when conducting interviews is the potential for interviewer bias of participants' responses (Kvale & Brinkmann, 2008; Mertens, 2010; Schwandt, 2007). Kvale & Brinkmann (2008) states *freedom from bias* refers to "reliable knowledge, checked and controlled, undistorted by personal bias and prejudice" (p.242). Kvale and Brinkmann (2008) also further cautions against what they call *biased subjectivity*, where the researcher attends to and selectively interprets interview information to support their anticipated conclusion while

overlooking potential counter evidence. Although bias is inherent in all research, it is especially concerning in qualitative studies where personal experience between researcher and participant is paramount (Schwandt, 2007). Since bias and subjectivity cannot be entirely eliminated, strict adherence to method and a transformative perspective that allows a “broader cultural context” (Mertens, 2010, p. 416) is necessary for sound investigations. Despite well-known bias concerns, Kvale and Brinkmann (2008) assert that recognized bias may actually benefit a study by highlighting some aspect and can contribute to a “multiperspectival construction of knowledge” (p. 170).

Critical to note is this researcher’s professional position in relation to interview participants. This researcher was formerly a special education administrator in the county in which the study was conducted thus the possibility existed that the researcher would confront a participant with whom a professional relationship had been previously established. Chenail (2011) notes “‘insider’ investigators may limit their curiosities so they only discover what they think they don’t know, rather than opening up their inquiries to encompass also what they don’t know they don’t know” (p. 257). One recommendation for eliminating such bias was interviewing the investigator to identify potential areas of concern and/or inherent bias (Chenail, 2011). Roller (2012) suggested interviewers maintain a log of each interview in effort to be sensitive to prejudice or subjectivity as well as noting how such prejudice can influence the outcome. Although this researcher did not confront a participant with whom a professional relationship had been previously established, this strategy was nonetheless exercised in this study.

Prior to initiating interviews, a university Institutional Review Board (IRB) approval was obtained to ensure process, procedure, and materials involved in the study protect participants from physical or psychological harm. Participants were presented with a letter of informed consent agreement requiring signature before advancing to interview. Failure of participant to sign the informed consent eliminated the individual from participation. Furthermore, participants had the opportunity to withdraw from the study at any point in time without consequence. All interviews were audio recorded to ensure accurate data collection and allow ease of transcription.

Study Site Selection

Best expressed by Creswell & Clark (2007), quantitative characteristics guide purposeful sampling for the qualitative phase. The qualitative portion of the study utilized purposive sampling providing the most worthwhile opportunity to obtain crucial information on the eligibility process and its contribution to disproportionality. (Johnson & Christensen, 2008; Mertens, 2009).

As mentioned, to comply with Indicators 9 and 10, this state quantitatively determines significant disproportionate representation based on race/ethnicity by a weighted risk ratio of 3.0 or greater for three consecutive years. Therefore the selection of school districts for participation in this phase was guided by this delineation with the additional condition that the school district's disproportionate representation must be for the African American student with the specific disability of *emotional disturbance*, cited in the state report as emotional disability. All county elementary school districts that met these criteria for years 2011-2013 were candidates for this phase of the study.

Since the intent of the study was to obtain multiple perspectives of the social dynamics that contributed to the referral and eligibility determination of students identified as emotionally disturbed, this researcher contacted each of the eligible school districts soliciting participation. Specifically, the director of special education for each of the six districts was contacted via both email and telephone at least three times per method. This was critical since, as previously mentioned, the study subject matter (disproportionality of African American students identified as emotionally disturbed) was sensitive and may negatively represent the school district. This becomes more politically charged as requests for research within a school district often must be approved by local school boards. Further, because the subject matter sought to ascertain the social dynamics potentially contributing to the over identification of African American students as emotionally disturbed, individuals may not have wished to share personal viewpoints on student race/ethnicity and the potential impact on their daily service provision especially considering the current national climate on race relations. As such, only one of the six eligible districts agreed to conduct in-depth interviews.

Study Participants

Success of this phase of the research was critically dependent on access to multiple key stakeholders to attain multifaceted perspectives and a thorough understanding the LEA (school district) on the special education eligibility process. A more robust discussion of the principle elements and key participants of the process within the RTI framework are presented in Chapter 2 (Literature Review).

The most indispensable stakeholder for any LEA is the building principal. As the individual responsible for all aspects of school operation, Lunenburg (2010) states one of the

essential responsibilities of a building principals is “building cultural linkages, which includes establishing behavioral norms, using symbols, instituting rituals, and telling stories designed to build the cultural foundations of school excellence” (p. 11). This responsibility is vital when beginning to gauge institutional values and behavioral norms that possibly influence the special education eligibility process and decision-making. Developing a sense of rapport and collegial exchange with the building administrator was crucial to ensure that this researcher obtained access to potential interview participants. Due to the requirements of IDEA, there are required members of the eligibility evaluation teams and process and must be in the interviews: the lead special education administrator, building principal or assistant principal, a general education teacher and the school psychologist. For this study, the researcher initially developed contact and communication with the school district director of special education who was responsible for identifying and contacting individuals who were deemed critical members of the special education evaluation team for their school. Once selected, participants included four school psychologists, one social worker, one building administrator, and one district-based administrator. Of the four school psychologists, three were novice (less than five years of work experience) and one was veteran (more than 10 years of work experience. Both the social worker and district administrator were veteran while the building administrator was in the first year as an administrator but had veteran experience as a social worker. All participants except one veteran and one novice school psychologist have been employed in school districts other than the research site. Of the seven participants, all were Caucasian and female, except for one male school psychologist.

Of the many challenges encountered using interview methods, time and resources are the most significant impediments (Ivankova, et al., 2006; Mertens, 2010). For this study, seven participants from the school district were questioned for a total of seven interviews, including the district director of special education, a building administrator (assistant principal), one social worker, and four school psychologists. These positions were selected due to their direct and level of involvement in the referral and initial eligibility process, especially those students identified as emotionally disturbed. Kvale and Brinkmann (2008) assert that fifteen, plus or minus ten, is the optimal number of interviews needed to ensure an accurate assessment of group information and subsequent differences. However, Kvale and Brinkmann (2008) also maintain that one should “interview as many subjects as necessary to find out what you need to know” (p.113).

Interview Protocol

The information and data derived from the interviews are core to supporting my research purpose: *to study if the commonly held perceptions and practices present within the school district’s culture influence the process and decision-making for eligibility?*

Appendix A contains the questionnaire that was used to guide the interview conversations and ensure a degree of consistency while allowing for flexibility. Interviewer questions were presented in sequential order with opportunity for follow-up and/or probing questions (Dahlberg, Wittink & Gallo, 2010; Johnson & Christensen, 2008). Face-to-face interviews were conducted only by this researcher with participants. .

The interview questionnaire is structured so that during the interviews participants were asked questions related to the following broad topic areas: (1) impetus, internal and external, for

initiation of a referral for student for special education consideration, (2) criteria and assessments used to establish special education eligibility particularly in the judgmental categories of disability, (3) perception and observations of the dynamics that occur among participants during the process, and (4) the continuum of culturally acceptable academic and social norms of the institution, including beliefs related to disproportionality itself. No modification of the protocol occurred, but follow-up questions were occasionally for the purpose of clarification or elaboration.

Each interview was conducted in a private conference room or office with only respondent and this researcher. The conference room or office was located in their assigned building and this researcher traveled between buildings to ensure confidentiality, convenience and comfort of the participant. Acutely aware of the value of participants' time during the workday, the researcher introduced herself, professional and academic affiliation and the purpose of the study. This was especially critical to develop a sense of rapport and trust between the researcher and participant, hopefully ensuring more unfiltered and authentic responses. Respondents were provided to the opportunity to ask follow up questions, not study related, of the researcher to further establish a cohesive interviewer-participant relations.

Analysis

As stated earlier, this researcher conducted all interviews which were audio-taped for subsequent transcription. The first requirement for interview transcription is that the recorded dialogue be audible (Kvale & Brinkmann, 2008). For this study, transcription of the interviews were conducted by a single, third-party, with the goal of eliminating potential cross-comparisons between transcribers and researcher-biased subjectivity. Statements were transcribed word-for-

word and verbatim. Since the objective of this phase of the study was to amass institutional practices and behavioral norms, it was advantageous to include all inflections, pauses, and emotional expression to provide a thorough and complete representation of each participant.

Once interviews had been transcribed, a case-oriented analysis was utilized.

Onwuegbuzie, Slate, Leech and Collins (2009) discuss the advantages of a case-oriented analysis versus a variable-oriented analysis. The goal of a case-oriented analysis is to “analyze and interpret the perceptions, attitudes, opinions...of one or more persons” (p. 17). They further emphasize that this approach, since it had a propensity toward generalization, recognizes common patterns and is best suited for identifying patterns in a small number of cases. Variable-oriented analysis, on the other hand, “identifies relationships among entities” (p.17) and is more theory-centered. Hesse-Biber and Levy (as cited in Mertens, 2010) offer a three-step process for analysis of qualitative data. Acknowledging that consigning “steps” to a qualitative process is rather oxymoronic, it is, however, necessary to start some place. The first step is preparing data for analysis. Mertens (2010) cautions it is at this point where researcher bias may begin to appear due to “interacting with the data in an intense and intimate process” (p.424). In order to mitigate this potential bias, the researcher maintained a color-coded journal to indicate each step of analysis as well as potential bias of the process, especially considering this researchers professional position as a special education administrator. Steps two and three are data exploration and data reduction. Mertens (2010) describes these two steps as “synergistic” (p. 425) since as one explores the data, one will also be thinking about means of reducing it into a manageable reporting size. The color coded journal continued throughout steps two and three.

Kvale and Brinkmann (2009) identify several approaches of data analysis based upon the content and purpose of the investigation as well as “epistemological assumptions” (p. 197). Of those outlined, there are analyses focused on the meaning of what is said, on language and the linguistic forms that meaning is expressed, and general analysis such as bricolage and thematic reading. For the purposes of this study, the analysis was focused on meaning, which will consist of coding, condensation and finally, interpretation.

Once interviews had been transcribed, data were coded for meaning. Kvale and Brinkmann (2008) state “coding...provides structure and gives overviews to...interview texts” (p.201). Mertens (2010) further defines coding as “assigning a label to excerpts of data that conceptually ‘hang together’ “ (p. 425). Coding allowed for interview text to be quantified and organized into thematic concepts as a means of increasing interpretation options. Charmaz (2006) describes two phases of coding: *initial* and *focused*. During *initial* coding, this researcher coded, by color, first individual words. The next phase involved extending the analysis to phrases then full sentences. Each step was color coded to ensure the process was conducted in multiple phases to allow common themes to emerge unencumbered by the researcher’s desired outcome, or bias. It was during this point that a symbolic journal was incorporated to address any potential bias this researcher may have had as a special education administrator with in-depth knowledge of and participation in the special education evaluation process. *Focused* coding was completed next by creating a rubric for each interview question allowing themes to transpire as each hermeneutic coding was completed thus allowing the initial codes against the more wide-ranging data to determine the overall image that evolves from data analysis (Charmaz, 2006).

Summary

This research used a mixed methods study design to investigate how a school district's practices and social norms influence the outcome of the referral and eligibility process in districts identified as having disproportionate representation of African American students in the eligibility category of emotional disturbance. Targeting elementary school setting (grades 1 through 8) in a large, urban Midwestern county, research was divided into two distinct phases. The first was quantitative and subsequent data analysis identified the distribution of students by race and ethnicity eligible for special education across elementary schools districts in the county. The second qualitative phase, informed by the quantitative information, examined the practices and commonly held perceptions present within the school district's culture via face-to-face unstructured interviews with critical eligibility determination stakeholders. Subsequent qualitative data analysis were completed by conducting extensive and hermeneutical coding, monitoring and mitigating for researcher bias, in which themes materialized.

CHAPTER 4

RESULTS

A mixed methods study design was used for this research. Phase 1 of the study was quantitative in which data were used to provide descriptive statistics for key characteristics of the school districts in the county, study population demographics, including but not exclusive to the representation of students receiving special education services and disproportionality. These data addressed the first research question: Are racial and ethnic minority elementary school students, particularly African Americans, more likely to be disproportionately represented in special education eligibility categories across school districts in the county and if so, which ones? Data from Phase 1 were also used to inform school district selection for Phase 2. Phase 2 was qualitative and targeted the second and third research questions: Within the referral and eligibility process employed, what criteria are used to determine the eligibility emotional disturbance; and, Do the commonly held perceptions and practices present within the school district's culture influence the process and decision-making for eligibility? Analysis of data and findings that emerged are discussed by each study phase.

Phase 1: Quantitative Analysis

Phase 1 of the study addressed the research question of *are minority students, particularly African American elementary school students, more likely to be disproportionately represented in special education eligibilities across school districts in the county, and if so which ones?* The study population for this research was drawn from elementary school districts in a large, urban,

Midwestern county. Publicly available data from Illinois State Board of Education (n.d.b) covering three years (2011-2013) was analyzed. There were 116 elementary-only school districts in the county servicing 252,342 students. Table 2 shows the racial/ethnic demographic composition of the elementary school student population and the breakout by race of students in general or special education.

Table 2. Percentage of students by race/ethnicity and educational service in the county (2013)

	Caucasian	African American	Hispanic	Other
General education	40.63	21.96	24.46	12.95
Special education	42.43	24.01	21.35	12.21

Illinois State Board of Education (n.d.b)

Caucasian students comprise 40.63 % of general education students with 21.96% African American, 24.46% Hispanic and 12.92 % all other. Comparatively, 42.43 percent of the students with special education eligibility were Caucasian, 24.01% African American, 21.35% Hispanic and 12.21% other. Compared to Caucasian and African American students, Hispanic students special education percentage was slightly lower than the rate of Hispanic students in general education.

The primary variable to determine whether race/ethnicity impacted disproportionality in school districts within the county was the calculated weighted risk ratio greater than 3.0 for three consecutive years for a given disability. For each school district, disproportionality is calculated by the SEA using the weighted risk ratio formula for both race/ethnicity and disability. According this state's data, 11 elementary school districts met criteria for years 2011-2013 (Bollmer, et al., 2011). Examining the data showed two distinct findings. First, the majority of districts with disproportionality, eight, involved the African American student. Second, the

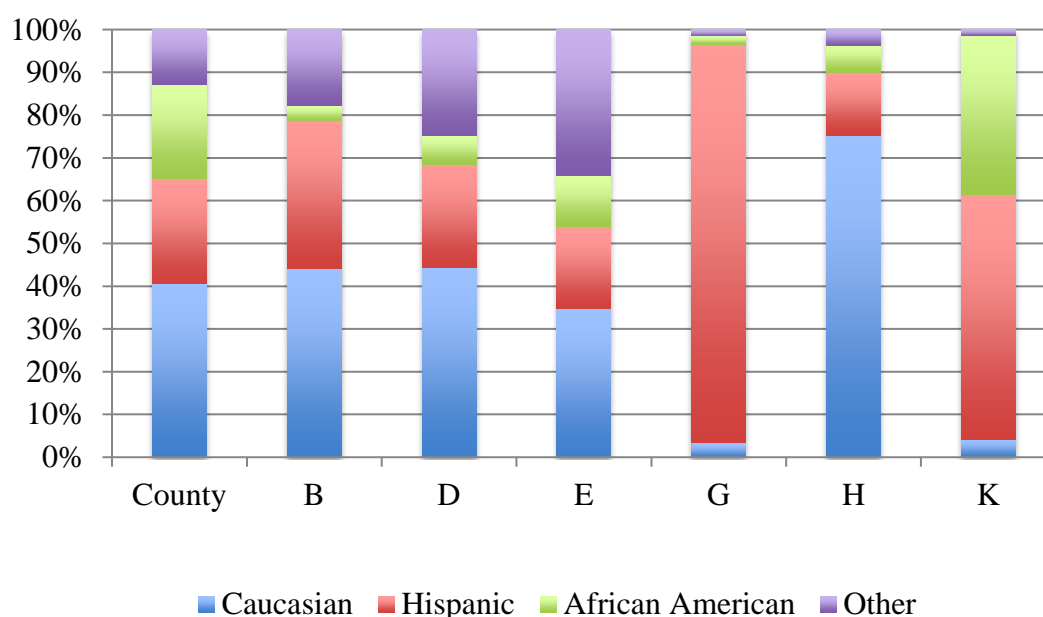
disability associated with the African American student was for the more “judgmental” disabilities of emotional disturbance or intellectual disability compared to disabilities cited for the Caucasian student (autism, speech language impairment, other health impairment). The state department of education annually calculated weighted risk ratios for each school district in the state to determine “disproportionate representation of racial/ethnic groups ...and special education categories being at a considerable greater risk of being identified as eligible for special education and related services than all other racial/ethnic groups and categories enrolled in the district” (Overview, 2012, p.1), a requirement of IDEA as of 2004. For the years of 2011-2013, SEA-calculated weighted risk ratios identified 11 school districts as disproportionate for specific disabilities. Of those, six school districts disproportionality centered on emotional disturbance and the African American students thereby qualifying as potential candidates for Phase 2. Data are shown in Table 3

Table 3. Weighted Risk Ratio >3.0 for Public Elementary School Districts for Specific Disabilities

District	Race	Disability	Risk Ratio		
			2011	2012	2013
A	Caucasian	Health Impairment	3.42	3.60	4.14
B	African American	Emotional Disability	4.40	4.45	4.04
C	Caucasian	Speech/Language Impairment	9.29	12.72	7.90
D	African American	Emotional Disability	3.82	4.11	3.42
E	African American	Emotional Disability	6.57	5.44	7.08
G	African American	Emotional Disability	7.67	5.00	5.50
H	African American	Emotional Disability	3.71	3.31	3.47
I	African American	Intellectual Disability	3.28	4.36	3.54
J	Caucasian	Autism	4.87	3.47	4.06
K	African American	Emotional Disability	4.32	4.83	5.83
L	African American	Intellectual Disability	3.77	3.80	3.86

In order to acquire additional information with which to inform district selection, supplementary data were examined to ascertain the more specific characteristics of the six school districts with disproportionality. Figure 1 depicts the racial/ethnic distribution for the county overall and each school district identified disproportionate for emotional disturbance. Noteworthy is district G, which shows student enrollment as predominantly Hispanic yet still determined disproportionate for African American students as emotionally disturbed.

Figure 1. Race/ethnic classification of student population for county and districts with disproportionality for emotional disturbance (2013)



Additional key statistics were further reviewed to ascertain an enhanced portrayal of each school district. This included breakdown of teacher gender, race/ethnicity, retention rate and educational attainment as well as student information of percentage of students with disabilities identified as low socioeconomic and English as a second language. Table 4 delineates this information.

Table 4. Key Statistics for the six school districts with disproportionality for emotional disturbance of African American Students (2013)

		School District					
	County	B	D	E	G	H	K
<u>Teachers</u>							
% Male	14.1	22.1	11.0	13.1	16.4	15.5	13.0
% Female	85.5	77.9	89.0	86.9	83.6	84.5	87.0
% Caucasian	83.6	87.7	84.8	92.4	63.0	94.8	78.0
% African American	8.9	0.5	1.1	0.8	0.6	0.0	13.1
% Hispanic	3.4	8.0	2.9	0.7	28.3	0.9	8.9
% Other	4.1	3.8	11.2	6.1	8.1	4.3	0.0
% Teacher Retention	84.9	86.4	83.0	87.1	82.6	87.1	84.0
% Masters degree or above	66.3	51.5	63.4	64.6	58.6	77.5	48.0
<u>Students</u>							
% Disabilities	14.3	12.0	10.0	11.0	12.0	13.0	14.0
% Low SES	51.6	42.0	72.0	39.0	94.0	49.0	95.0
% ESL	14.5	22.0	16.0	28.0	52.0	3.0	23.0

Illinois State Board of Education (n.d.b)

Since the intent of the study was to obtain multiple perspectives of the social dynamics that contributed to the referral and eligibility determination of students identified as emotionally disturbed, this researcher contacted each of the eligible school districts soliciting. Specifically, the director of special education for each of the 6 districts was contacted via both email and telephone at least three times per method. One district initially expressed an interest to participate, but soon rescinded due to lack of approval from district leadership. Four school districts did not respond to the inquiries and one school district agreed to participate (District G).

Utilizing District G for the qualitative phase 2 was fortuitous since it had been previously deemed unique due to a student enrollment of predominantly Hispanic yet still determined disproportionate for African American students as emotionally disturbed.

Review of additional statistics for District G showed 94.2% of the student population was

classified as low income, 12.2% students with disabilities, and 51.9% English language learners. Supporting the students are 722 teachers, 64.8% of whom are Caucasian, 28% Hispanic, and 0.6% African American. The majority of the teachers were female (83.6%) and hold a master's degree or higher (58.6%). The only dissimilarity is the student-to-teacher ratio of the participating school district is 21:1 as compared to the county (16:1).

Phase 2: Qualitative Analysis

Phase 2 of the mixed-methods research design was qualitative and involved professionals from the selected school district. Once the district director of special education agreed to participate in the study, this director identified and contacted persons whose position and role directly impact eligibility determination for participation. In total, 7 professionals took part in one-on-one in-depth interviews. The positions included one assistant principal, three school psychologist/team facilitators, a social worker and the director of special education. These positions were interviewed for their direct and influential involvement in the referral and initial evaluation process in this school district, especially for students identified as emotionally disturbed. The interviews primarily focused on addressing research questions 2 and 3. As such, findings will be discussed in two domains: (1) the process for special education referral and eligibility particularly as relates to emotional disturbance, inclusive of the criteria to determine emotional disturbance; and, (2) the environment, its perceptions, practices and culture in which the process is carried out. To close out the interviews and gain additional perspective on disproportionality, a third domain was explored by asking each participant why African Americans are overrepresented in the eligibility of emotional disturbance.

The Process and Emotional Disturbance Determination

Description of the process underpinning the determination of whether the behavioral and/or emotional difficulties a student exhibits was consistent among participants and relatively identical to the overall process deployed for other disabilities and addressed the second research question of, *within the referral and eligibility process employed, what criteria are used to determine the eligibility emotional disturbance?* The process was team-based and driven primarily by the team facilitator, who was usually a school psychologist, in close collaboration with a social worker. It was largely grounded in the Response to Intervention (RtI) model of implementation of a multi-tier intervention approach to address a student's behavioral concern. This model focused on collecting appropriate data to determine how the student responds to scientifically based instruction and intervention for the identified area (behavior) of concern. Data demonstrating a student's response to the intervention are then used to determine if an evaluation for a disability and special education services is warranted. Consequently, most initial eligibility evaluations began after numerous types and intensities of interventions were employed. The typical RtI process and subsequent decision of whether to progress to a special education evaluation took, on average, roughly six months. All respondents were emphatic that time was necessary to both provide the needed interventions and generate appropriate and solid data to support the final decision. Several respondents noted this was perhaps more important with the emotional disturbance determination given the potentially negative impact of the label.

I try to develop interventions that really target specific behaviors that I'm really worried about and see how they respond. (school psychologist 2)

If we have a student that's demonstrating any type of emotional or behavioral difficulty in school, we have a tiered approach to supporting that...we take a team approach and we get a good analysis of data. I don't think we're, like, pushing for ED labels. I think that's

one of the labels that we really try to take our time with and make a good, accurate decision because that's a really hard label for kids to have, especially moving forward in life. (administrator)

We really, and not in a bad way, but we really drag our feet and make sure that there's supports in place before just jumping to "oh this kid's oppositional. He's ED." (school psychologist 4)

Delving deeper into the process, participants raised several issues for concern that have potential to impact eligibility determination negatively if left unchecked. These ranged from a general deficiency in understanding the evaluation process and its consistency of application, to fidelity of execution of RtI by necessary individuals in the intervention progression. While understanding and consistency can be dealt with through enhanced and targeted training, fidelity of execution and engagement of key individuals was a big issue. The latter point focused on teachers and administrators with emphasis on their engagement or lack thereof in the implementation of the intervention plan. Where the lack of fidelity to the implementation plan had the greatest impact was on data collection to inform decision-making. Findings from the interviews on fidelity to the process are discussed within the next domain. Broadly speaking, the team must work diligently to compensate for lack of teacher engagement and gather data during implementation of interventions as best as possible to ensure a fair and robust assessment can be made.

...so we kind of know that there's a group that's coming that typically like, "No, I've tried that. That doesn't work." Then we'll know to come about it in like a "Well I'm going to do this or a social worker is going to this, and we'll see how it helps." Which stinks though because it kind of takes the whole Tier One support out of the system if the teacher is just like, "Yeah. Nothing's going to work." So we have to try even harder to make sure they're getting something at the Tier Two level if the teachers, if we feel they're not invested. (school psychologist 4)

Like I usually have teachers who try a couple of things and they do not like to try anything so even with student's with BIPs (behavior intervention plans) it's like pulling

teeth to get them to meet to even let them know what's in the BIP, let alone get them to follow it. (social worker)

Still focused on process, another issue surfaced around the emotional disturbance criteria.

The definition of emotional disturbance has been deemed vague and ambiguous as well as the referral and evaluation criteria presents as non-standardized and subjective. As a result, emotional disturbance eligibility is determined most often by individual judgments influenced by bias, prejudice and occasionally ignorance. Respondents easily articulated behaviors that prompted a referral for a child to be determined emotionally disturbed, largely emphasizing opposition and defiance.

I think the primary bulk is externalizing oppositional behaviors. I don't think we do a very good job at all of identifying internalizing behaviors like anxiety. (school psychologist 1)

Like oppositional, just defiant. Swearing, walking out of class....for the most part it's those kids who have a real hard time right, the instructions that the rest of the class is typically able to follow. (school psychologist 4)

They're exhausting. They're very very more hyper, more high strung, their impulsivity is through the roof, there's a lot more physical management going on with the younger kids because I think the presumption is, they're out of control. We need to calm them down. (school psychologist 2)

Disrespect is kind of one of the big ones. Inappropriate behaviors, you know, sometimes based on poor impulse control. Inappropriate behaviors, something the teacher, disruptive behaviors. Yeah those are the big ones: disruptive, disrespectful. Very similar. But it's those things that teachers just don't want to handle and administrators don't want to handle and I think most people at some point want to get the kid in trouble for it, you know what I mean? So it's like the externalized ones that bother teachers (school psychologist 2)

One respondent, a school psychologist, believed the extent to which a child may or may not be referred for an evaluation relied most on the attitudes of the classroom teacher. More specifically, the concept of authoritarianism in the classroom seems to be an overarching theme

such that, “A teacher’s fear is always ‘if I let this go and everyone in the classroom is going to do it’. A teacher is always afraid of not having control in their classroom”.

Describing behaviors associated with emotional disturbance is an important component for initial referrals. Also important is how those involved in the assessment deal with the vagueness of the emotional disturbance definition. All respondents clearly noted this to be difficult. The perspective below from one of the school psychologist captures well the opinions voiced by most respondents on this point.

I struggle a lot...is it conduct disorder, social maladjustment, or an emotional disability? And, it’s kind of like if he meets a criteria then he qualifies. It becomes really ridiculous. The way that I’ve kind of dealt with that is that I really look at conduct ... I try to develop interventions that really target specific behaviors that I really worried about and see how they respond. Like are they still losing it at times, in ways that they’re out of control, that they can’t control it and it really is a disability. Versus something that they are in control of... That’s why I look at programming, like is this something they are really in control of? Because then I don’t feel like it’s as much as of a disability as when they really truly have control, whether its depression or they’re acting out. For me it’s is this a behavior of choosing or is this something where they really need major help to start controlling what is happening here? There’s a lot that we need to look at. We’re nowhere near that stage. (school psychologist 2)

Lastly, the social maladjustment exclusion with its lack of definitional and operational clarity presented further challenges for each school psychologist, the position most involved in the eligibility decision. With no consensus on the definition of or criteria for, the social maladjustment exclusion can lead to capricious determinations in an already nebulous emotional disturbance definition.

I think we had a lot of discussion about and I’ve gone back and forth about, like social maladjustment exclusionary criteria and I’ve kind of decided on myself, and I’ve looked for scales that will differentiate and decision trees, you know is it this or that? And last year, we kind of, [colleague’s name] and I, the other school psych, came to what I’m okay with and its maybe not the best practice but I find that if there’s a question of if

there's a socially maladjusted students, normally, there's an underlying emotional disability. (school psychologist 4)

I think in the referral process we get a lot of referrals for students who are having social emotional difficulties who we may later determine are more for that social maladjustment label and may have more control over their behaviors than the ED students. And I think that's for the most part - our elementary schools do a good job identifying students who actually have the, who carry the ED label, accurately. (school psychologist 1)

The above discussion focused on process aspects of the 'typical' referral. During the interviews mention was also made of a student being referred for evaluation as emotionally disturbed due to "emergency events". Such evaluations were almost always administrator-driven and involve a behavior that may be considered eligible for expulsion. During such "emergency events", school psychologists expressed unease over the administration's disregard for the fidelity of the evaluation process and ignoring eligibility criteria. When this happens, respondent's felt pressure from administration to "make" the child eligible and truncate the process. Fortunately, an "emergency event" emotional disturbance referral was the exception and not the norm.

Some referrals are given to us like an urgent basis, which does happen from time to time if something happens or a student has done something or they might be at risk for being expelled. (school psychologist 4)

Especially when there is a severe behavior incidence. And I can think of multiple times in my two years here when a student brings a weapon or they have drugs of some kind...I don't know that they-when we don't, when we can't document that, this prolonged history of behavior, that is a determining factor in eligibility and they just kind of force us into these evaluations. (school psychologist 1)

The building administrator, who was the first person interviewed, did not address this particular phenomena and was the result of communication with the school psychologists who alerted this researcher to the occurrence of "emergency events". Overall, respondents expressed concern that when students engages in a significant behavior event such as bringing drugs or

weapons to school or a fight in which someone was seriously hurt, building administrator would suggest the student demonstrated an emotional disturbance and directed the special education team to conduct and evaluation. This usurping of the referral process produced dissonance with the evaluation team, especially school psychologists, because such directives disregard the mandated criteria for eligibility stating a behavior must be present across environments and over time.

Description of the process underpinning the determination of whether the behavioral and/or emotional difficulties a student exhibits was consistent among participants and relatively identical to the overall process deployed for other disabilities. There was great agreement that the referral and initial evaluation process was data-rich and completed thoughtfully. The critical obstacles when determining emotional disturbance eligibility as compared to other disabilities were the social maladjustment exclusion and the demand for evaluations following serious student misconduct. Both elements presented dissonance, especially for school psychologists who were at the forefront of the eligibility determination. Because of the ambiguous nature and criteria for the social maladjustment exclusion as well as the lack of misbehavior over time and setting for the emergency events, school psychologists were placed in a position where they believed they compromised their ethics for eligibility determination.

The Environment: Perceptions, Practices and Culture

Clearly there is an overlap and interplay of the findings presented above for the process with this domain. However, several findings emerged from the interviews that lend themselves better to discussion within the context of the environmental aspects in which the process for emotional disturbance determination is conducted and spoke to the final research question of *do*

the commonly held perceptions and practices present within the school district's culture influence the process and decision-making for eligibility? There was one predominant insight that resonated from all the interviews namely, there were many facets of the environment and culture, that while not adversely impacting decision-making per se, made it a lot more difficult particularly with respect to the intervention phases component. Prime among these were initiation of student referral and fidelity to execution and fidelity by teachers to implement intervention plans.

A common response voiced was that, despite best efforts to implement a multi-tiered system of support for a student, initial referrals for evaluations were inconsistent, at best, and often guided by the perceptions and tolerance level of the teacher. While respondents cited the positive experience with teachers engaged with the intervention plan, they were quick to point out the other end of the spectrum. Many examples were cited of behavior and beliefs of teachers who were less engaged in the intervention process and exhibited a pervasive, negative attitude and lack of belief that intervention(s) will work. Inclusive among these were the lack of time and desire to provide behavioral interventions and the wish remove the problem student from the classroom.

Some teachers are great and they're like "Yeah we'll try that. That's a good idea. Let me try X, Y and Z." Others are like, "I've tried that. That's not going to work. No, no, no. He's not going to do that. He's not going to listen. Yeah, nothing is going to work."
(school psychologist 4)

No one wants to do data here. Certainly not for behavior ... Like I usually have teachers who try a couple of things and they do not like to try anything so even with student's with BIPs, it's like pulling teeth to get them to meet to even let them know what's in the BIP, let alone get them to follow it. (social worker)

I think that where we fall short is our tier two check-in check –outs, mentoring type systems. Our teachers kind of, when they decide on the referral process for those

interventions, I think they look at a number of different behaviors instead of just social emotional difficulties, whether they be executive functioning problems, academic problems. Any kid who is kind of having an issue. I think they refer sometimes. (school psychologist 1)

While not addressed statistically, when asked if a correlation existed between lack of teacher engagement and fidelity to intervention plan execution and higher number of referrals for behavioral related issues, all respondents were quick to say 'yes'.

I want to say yes off the bat without overthinking it. Probably because they're the least flexible. You know, the more teachers come relaxed, more flexible, more open-minded, we do seem to have greater success... I do think probably the ones that are most negative in their perceptions dealing with behavior issues probably give the most referrals. (school psychologist 2)

Administrators play a central role in setting and enabling the social environment of the school district. To this end, respondents indicated a general sense of support existed when it came to rendering a decision for eligibility of a disability. With regard to emotional disturbance, administrators showed a willingness to keep the student in the district rather than outsource the individual. Hence support for these points were seen as positive.

We have a lot of kids that we have in our ED rooms, we call it exceptional emotional supports program, ESP, so the emotional supports program does have kids with OHI, does have kids with labels other than ED because the need that level of support...we do try to keep in house, We have an ED program at every grade level. (director of special education)

Yeah so most of those students we do service in-house. (assistant principal)

To me the biggest thing is what the administration is looking at...if someone really enjoys working with externalized ED population and they're, the principals are very much like "no, we're going to implement positive behavior supports. I expect you the teacher to do this." (school psychologist 2)

However, respondents did note passivity of administrators when it came to fidelity of execution of intervention plans and data collection, critical components in eligibility decision-

making. Noted by all was that the practice of teacher's lack of engagement was allowed by administrator(s) because of lack of willingness to actively require teacher involvement in implementation of the student intervention plan. The point is best summed up by a quote from an assistant principal.

...because we function by floor, by side, because we have so many students so we do see some discrepancies in the implementation of things by floor, by side. Just because you do have different administrators monitoring those...

In summary, no environment or school culture is perfect. In this case, the school environment was manifested by poor classroom intervention fidelity, especially behavioral interventions, prior to referral for eligibility evaluation supported by inconsistencies of administrator accountability of classroom teachers. All respondents believed this as a major contributor to the referral process. However, one advantage is the key members of the special education evaluation team did not delude themselves into seeing their circumstance as flawless and were aware of deficit areas. One insight that came through clearly was individuals' dedication to fairness, following the rules and regulation of both IDEA and state mandates, and went the extra mile to ensure the best for students.

I will say, here we try our best to not refer a student for special ed. ...we aren't quick here. (assistant principal)

We'll make sure, like, that we have, you know, crossed all of our T's and we'll make sure that if we go forward, we have the basis, which does happen from time to time... (school psychologist 4)

I don't think that we're, like pushing for ED labels. I think its one of the labels that we really take our time with and make a good, accurate decision upon it because it's really hard label for kids to have, especially moving forward in life. So I really don't think we take that decision lightly. (assistant principal)

So in order to keep them, because they don't want them to go anywhere [placed outside of the district], they just bump up the minutes to provide enough support to help the kid. (director of special education)

The school district's percentage of students with disabilities was 12% compared to the state average of 14%, despite disproportionate number of African American students identified as emotionally disturbed. Therefore, the data would support that students, largely, were not capriciously referred for and determined eligible for special education.

Thoughts on African American Disproportionality

The challenging nature of emotional disturbance eligibility is complicated further by the reality that more African American students are identified compared to their Caucasian or in this case Hispanic peers. Because this has been a concern since the legislated inception of special education, one may suggest factors other than school-based practices could be contributing to the existence of disproportionality. To wit, staffs' view as to why African American students are over-represented in the emotional disturbance eligibility was sought.

Each respondent had broad experiences in settings other than their current setting but their responses were specific to their present environment. It is worthy to note, while the student population of the school district was overwhelming Hispanic, and the students identified as emotionally disturbed were predominantly African American, the eligibility decision-makers were Caucasian. There was a rather conscious effort to articulate the behaviors of both parents and students that was considered standard. Culturally, Hispanic parents placed implicit trust in the school professionals and question very little of the processes and procedures in the school setting, including the special education evaluations. This viewpoint was considered specific to parents that are relatively new to the country and reminiscent to the social norms of their home

country. One school psychologist acknowledged this phenomenon and remarked that “our more Americanized parents tend to ask more questions”.

Our parents overall? Are relatively passive. We’re about 94 percent, 97 percent Hispanic. They really, at least 50 percent of our students are limited English proficiency so at least 50 percent of our parents don’t speak English. We have limited education levels. They kind of come in and “if this is what you say, okay, you’re the experts.” (school psychologist 2)

Culturally it’s not considered appropriate to be, well involved isn’t really the word, but they really defer to the teachers as the experts, at least in the Hispanic culture you don’t put your, the teachers know what they’re doing and they do what they do and you need to be respectful of that. (assistant principal)

I think some parents, a very small percentage, are very involved. (director of special education)

Schools are a reflection of society, especially of their immediate community. As such, the culture of the community drives the manner in which the school professionals do business. Since there is an acknowledged and established social norm, classroom teachers have assumed the same behavioral expectations for students and integrated them into the classroom setting, creating a standard to which all students must adhere. Therefore, little room existed for behavioral diversity, prompting referrals for students exhibiting behaviors other than those identified as standard.

There is a reserveness that you sometimes expect, especially in [community name], especially with a lot of Hispanic kids. (school psychologist 2)

Well, I think, the hard part is that while our population is 95 percent Hispanic, teachers are accustomed to working with those types of children those types of parents. (assistant principal)

Well yeah I think, especially our school is so homogenous, it’s all Latino students, or really Mexican-American students, it’s not even diverse in terms of subcultures; [community name] is mainly Mexican-American. They present as one way in the classroom so when there is an outlier who is African American and they might be

boisterous or opinionated or might be interpreted as being defiant. (school psychologist 4)

Overall, African American students' culture and social norms were different than that of the behavioral standard and expectation assumed by this school community. More significantly, not only were the behaviors different, they were not well understood by teachers according to the respondents, which led to misunderstanding of the intent and value of students' behaviors. Teachers subsequently viewed the other-than-standard behaviors as noxious to the overall classroom environment. Ultimately, the African American student was placed in a position where they were required to adjust and adapt to classroom norms versus teachers modifying their approach to address the cultural characteristics of the students.

There needs to be a level of, a degree of cultural sensitivity and some training on that and I think that we lack some of that overall, just because people are from different backgrounds, different cultures, doesn't mean that our approaches to interacting with them should be the same. (assistant principal)

I think we are misreading some things as being more, you know, not appropriate than it was maybe meant to be. (school psychologist 2)

I don't have a-I mean definitely help staff become way more open to those different cultural differences or reactions or expectations but I think its really really hard to change someone's belief that this is the way that kids should act. (school psychologist 3)

And so I think there's different cultural norms for behavior so then when you're in a school system that's not open to it, it comes across to people who do not accept those norms as inappropriate. (school psychologist 2)

And the more that I would see it and hear responses to that interaction and know that it was not meant to be disrespectful or disruptive or rude, the more I hear it the more I think I might be able to believe it...a teacher's fear is always 'I let this go and everyone in the classroom is going to do it'. And that becomes hard. A teacher is always afraid of not having control in the room so how do you-even if they understood that it wasn't meant to be disrespectful, how do we get then to not be afraid that if they let that eye roll, or whatever it was, go that everyone in the world, in that class is going to start eye rolling too. (school psychologist 2)

Two respondents had a somewhat different perspective as to why African American students were over-represented in the emotional disturbance eligibility. The director of special education agreed disproportionality exists as does a dissonance between classroom teachers' behavioral expectations and behaviors exhibited by African American students.

Middle class values says, 'I'm older, I'm your boss. I'm whatever. You respect me and I'll give respect back'. Or there's mutual respect but it's really tipped more 'you respect me' than the other way...so I bet if you found a significantly poor area where they know they are poor, you might have more of the behavior if you move them to a middle class environment. You don't even have to move them to a middle class environment, you just have to have teachers who are middle class teaching them that causes the disparity of behavior versus what the expectation is. (director of special education)

In this case, the source of this disparity rested in the values each social class held, or middle class versus low-income social norms and behavioral expectations, and how they were manifested in the classroom. Essentially, behaviors deemed acceptable to teachers possessing middle class values are different from students with lower socioeconomic standards, leading to an inaccurate assumption of willful disregard for the social expectations of teachers.

A second respondent, a school psychologist (1), considered the reason for higher numbers of African American students identified as emotionally disturbed the result of socialization.

I honestly can't overstate the socialization process-seeing themselves as a minority group in the school district. I know we have a history of over-identifying African American students and I have no doubt that all of the teachers coming up on our district have known that fact and get a group of students and they may treat them differently. We talk about a self fulfilling prophesy and these students kind of hear that for two, three, four years and suddenly they start to develop the behaviors because they're expected to almost in a way. (school psychologist 1)

Students were socialized into demonstrating behaviors not valued in the classroom environment due to teachers' expectation for an African American child to "misbehave". In

essence, consciously or unconsciously, teachers placed the expectation for behavioral difference on the African American student who, over time, obliged.

Researcher Bias

Although bias is inherent in all research, it is especially concerning in qualitative studies where personal experience between researcher and participant is paramount (Schwandt, 2007). When conducting qualitative research, particularly when methodology includes interviews, serious concern exists for possible interviewer bias of participants' responses (Kvale & Brinkmann, 2008; Mertens, 2010; Schwandt, 2007). More specifically, Kvale and Brinkmann (2008) cautioned against *biased subjectivity*, where the researcher attends to and selectively interprets interview information to support their anticipated conclusion while overlooking potential counter evidence.

As previously noted, this researcher had professional association to interview participants as a former public school special education administrator in the county in which the study was conducted. Thus the possibility existed that the researcher would confront a participant with whom a professional relationship had been previously established. Even though this did not occur during this investigation, this researcher was familiar with several references made by some of the respondents, including city and school names, demographics of other school districts mentioned, knowledge of the roles each position plays in the referral and eligibility process, the special education referral and eligibility process in practice, and this state's rules and regulations for eligibility.

Chenail (2011) notes "'insider' investigators may limit their curiosities so they only discover what they think they don't know, rather than opening up their inquiries to encompass

also what they don't know they don't know" (p. 257). In order to mitigate biased subjectivity, this researcher employed a recommendation made by Roller (2012) who advised interviewers to maintain a log of each interview to be responsive to prejudice or subjectivity as well as noting how such prejudice can influence the outcome. In this case, interview responses were denoted with a star symbol when this researcher sensed potential bias. Specifically, notations were made when the researcher anticipated content of a response, had knowledge of the "correct" response according to professional best practice. Following the conclusion of each interview, the researcher reviewed each notation and specified the exact nature of the potential bias.

By incorporating the journal activity to monitor biased subjectivity within the interview process, it was concluded that this researcher possesses strong views regarding special education referral and eligibility, including an awareness of procedures considered professional best practice to prevent disproportionate determination. Because special education disproportionality of African American students was part of the researcher's daily professional activities, a visceral response to interview responses was uncovered. If statements were made that were counter to practices that could prevent disproportionate representation, the researcher experienced a negative internal emotional response presuming the practice would negatively impact eligibility. The same visceral reaction, although positive, was present when a participant's response alluded to best practice designed to eliminate disproportionality. Despite an awareness of bias potentially affecting this study, this researcher is confident the methods employed to deter biased subjectivity yielded results reliable and objective results.

Summary

In summary, it was clear that data pointed to the overall existence of disproportionality of African American students in the special education eligibility of emotional disturbance. It was also apparent each respondent provided thoughtful and candid responses to within the process. Despite a commitment to conducting eligibility determinations within the guidelines and criteria of the federal definition as well as with purported integrity, each acknowledged over-identification of African American students was a real phenomenon, both overall and within the school district. Furthermore, the influence of social undercurrents such as values and social expectation disparity as contributors to disproportionality was implied, yet there seemed little capacity on the part of the evaluation team to mitigate this deep-seated pressure from school personnel, especially teachers and administrators. Finally, a clear understanding of the potential for bias subjectivity was noted as well as the methods employed to avert. This evidenced the complex interplay between the school districts' professionals and institutional practices as influencing the special education eligibility, particularly for African American students identified as emotionally disturbed.

CHAPTER 5

DISCUSSION, LIMITATIONS AND IMPLICATIONS

The purpose of this research was to examine how the social context of an institution (school district) identified as having disproportionate representation of African American students in the eligibility emotional disturbance category influences the outcome of the referral and assessment process. Specifically, this research employed a mixed methods study design to address the following questions: 1) are minority students, particularly African American elementary school students, more likely to be disproportionately represented in special education eligibilities across school districts in the county, and if so which ones; 2) Within the referral and eligibility process employed, what criteria are used to determine the eligibility emotional disturbance; and 3) Do the commonly held perceptions and practices present within the school district's culture influence the process and decision-making for eligibility?

Adding to the decades of prior findings, this research clearly shows that African American students are disproportionately represented in the more judgmental disability categories. In this study, disproportionality was noted in 11 school districts of the county, of these eight districts demonstrated disproportionality in African American, six being for emotional disturbance while two were in the category of intellectual disability. Looking more specifically to the potential of why this might be, the Phase 2 findings revealed two broad points related to the social environment of the school district that appeared to impact the referral and

eligibility process. First is the strength of administrative leadership vis-à-vis process implementation and second is the sociocultural environment of the district.

An initial conclusion from this research relates to the strength of administration leadership in shaping the social environment of the school district. In this case, leadership was passive when it came to ensuring fidelity of tiered intervention plans, a critical component of the referral process. Basically leadership allowed fidelity and accountability to the intervention process by teachers to be lackluster at best or worst case absent. Expressed was a correlation that teachers more resistant to engaging in the intervention process tended have higher student referrals. This resulted in supplementary work by the evaluation team to ensure proper data was collected for referral and eligibility determination.

To recap, the sociocultural environment of the school district studied is comprised basically of two divergent economic classes, the middle class predominately white educators/administrators and the student population who are of low to very low economic status and predominately of two racial/ethnic minorities. What is worth noting is in this study the dominant (94%) of the student population was a minority, Hispanic, with the African American minority comprising around 2%. This differs from much of prior research whereby the dominant student groups were usually Caucasian. What is interesting to note is even in this situation where ethnic/racial minorities were dominant, the African American student was disproportionally represented in the emotional disturbance category of disability while the Hispanic minority was not. What was also informative were the consistent comments from interviewees around differences seen between the Hispanic and African American students culturally, their perceived value structures and visible behaviors.

It is this researcher's conclusion that being a racial/ethnic minority does not per se lead to disproportionate representation in select disabilities, in this case emotional disturbance. Rather, the dominant culture of the social composition of the student population influences the perceptions and understanding of the educators and professionals who, for the most part, are Caucasian, middle class and more often than not female. Basically, there is an acclimatization of the educators to the culture, behaviors and values of the dominant group, in this case the Hispanic student population, against which other racial/ethnic behaviors and values are positioned and judged. The culture, values and behaviors of the Hispanics were perceived to be different than that of the African American student. Consequently, disruptive or problematic behaviors exhibited by the African American student were often less tolerated resulting in a referral for evaluation, perhaps the product of implicit bias.

The remainder of this chapter is organized into five sections. The first section, Discussion, puts the study finding and conclusions into context, noting new insights and linkage to existing research. The second section, Limitations, outlays the shortcomings inherent in this study design. Implications for Practice is the third section, providing suggestions for use of the study results in the applied setting. The next section, Future Research, addresses additional avenues for research building on this study's findings. Finally, a Summary section will offer closing and final thoughts.

Discussion

It has been long-evident and well-documented that African American students are more likely to be determined seriously emotionally disturbed than their respective counterparts for students aged 6 through 21 with disabilities; on average 2.25 times more likely (U.S. Department

of Education, 2006). Addressing the first research question of *whether minority students, particularly African American elementary school students, more likely to be disproportionately represented in special education eligibilities across school districts in the county, and if so which ones*, this study reflected copious data existing for over 40 years of special education programming. Despite being a modest microcosm of the national data set, findings confirmed that minority students, particularly African American elementary school students, were more likely to be overrepresented in special education eligibilities across school districts in the midwestern suburban county. Of the 116 elementary school districts in the county, 11 school districts were noted by the state to demonstrate disproportionality across all disabilities and race/ethnicities. Drilling down further, eight districts demonstrated disproportionality of African American race/ethnicity; six for emotional disturbance while two were in the category of intellectual disability. Since this study investigated disproportionality of African American students identified eligible as emotionally disturbed, the risk ratios for this student population ranged from 3.28 to 7.67 times more likely to meet this criteria than their peers across all eligibilities in the examined county. Since this state determined disproportionality as a risk ratio of 3.0 or greater, it was clear elementary school districts spoke to the first research question and established the existence of disproportionality.

Administrative Leadership

Once data supported the existence of disproportionality, the next question addressed was, *within the referral and eligibility process employed, what criteria are used to determine the eligibility emotional disturbance*. A universal social condition such as disproportionality rarely advances from one definitive action. Rather, it evolves from a complex combination of both

deliberate and unintentional actions. Recall that Bower (1982) stated an emotional disturbance does not “presume to go beyond what is observable in the school setting” (p. 57). He also stressed an essential detail of the criteria that, “it accepts as a given that emotional disturbance is disturbing to others and may differ in quality and degree from one setting to another” (Bower, 1982, p.57). One factor that shaped the social environment of the school district school related to the strength of administration leadership. In particular, leadership was passive when it came to ensuring teacher fidelity to tiered intervention plans and the overall evaluation process, critical components of the referral and eligibility processes.

School administrator leadership was critical to ensuring students weren’t carelessly referred for special education evaluation. Hierarchical interventions were employed as a means of addressing students’ specific behavioral needs in the classroom environment and were monitored by the special education evaluation team. However, referral and evaluation processes in this study were most hindered by intervention implementation fidelity and/or inconsistencies by teachers, schools, and within grade levels, an outcome supported by others such as Forness & Kavale (2000). This activity was further complicated by the lack of administrative oversight and/or accountability ensuring proper intervention fidelity on the classroom level. As one school psychologist remarked, teachers not willing to adhere to the fidelity of an intervention will often remark, “I’ve tried that. That’s not going to work. No, no, no. He’s not going to do that. He’s not going to listen. Yeah, nothing is going to work” and school administrators did not direct teachers to comply. This inconsistency and deficient oversight encourages inequitable student support and subsequently leads to inequitable special education referral and assessment, or disproportionality. Although the goal of the evaluation team were to not be “quick on the

trigger” for special education referral and eligibility determination, administrators often did not support the thorough process and succumbed to the demands of the classroom teacher.

One supplementary consequence of limited administrative enforcement of teacher fidelity to pre-referral interventions was the reinforcement of a teacher’s negative perception of behavior and subsequent interventions. Teacher behavior was described as dichotomous: either receptive to interventions and/or classroom changes or not receptive at all. One school psychologist remarked, “I do think probably the ones that are most negative in their perceptions dealing with behavior issues probably give the most referrals”. Without an authority to intervene and possibly establish a district-wide definition of a negative behavior, teacher’s perception of what was acceptable remained unchanged. In this study, the classroom behaviors described as most troublesome by teachers were classified as *opposition* and *defiance*, behaviors frequently subject to individual interpretation absent district guidance.

The failure to implement an intervention with fidelity, especially as related to students receiving behavioral versus academic interventions, was acknowledged as contributing factor for special education referral and emotional disturbance eligibility determination, which was supported by literature (Forness & Kavale, 2000; Hart et al., 2010; Skiba et al., 2002). Similarly, there appeared to be an overarching theme suggesting school personnel believe they must always be in control of student behavior. When this did not occur, students were subsequently informally labeled and excluded from the classroom and/or school environment. As one school psychologist remarked, “...a teacher’s fear is always ‘I let this go and everyone in the classroom is going to do it’ ...A teacher is always afraid of not having control in the room”, a sentiment also supported by scholars (Fenning & Rose, 2007).

One practice unique to the emotional disturbance eligibility process and determination was what was described as “urgent” and “sudden” referrals resulting from a significant student behavior event. This is a primary incidence where school administration had a substantial impact on the referral and eligibility processes. Such referrals transpired when a student exhibited a significant behavior school administration would deem eligible for expulsion, such as drug or weapon violations. Stemming from pressure by the school administrator, the evaluation team had to “make” an eligibility determination contrary to criteria that required a behavior to be present across settings and over time versus one acute occasion. This discovery was not, unfortunately, unique to this study and supported research that have found “emergency” referrals and determinations for an emotional disturbance eligibility to be commonplace (Hart et al., 2010).

One aspect of the referral and eligibility process outside the scope of school administrators was the commitment by the evaluation team to *not* determine students eligible for special education. Despite inadequate intervention oversight by the school leaders and poor intervention fidelity by classroom teachers, this case showed strong commitment to the process on the part of the evaluation team, particularly school psychologists. Although the duration of student interventions varied slightly, overall, students sustained at least six months of interventions prior to special education assessment. This obligation to conducting a legally appropriate evaluation appeared to, at the very least, comfort team members that they were not making hasty decisions and upholding their ethical duty as outlined in IDEA and state regulations.

Sociocultural Environment of the School District

Since this study clearly acknowledged the existence of African American students over-identified as emotionally disturbed and ascertained processes and practices that potentially contribute to its preservation, the ensuing challenge became to discover if there exists a sociocultural basis for its continuation. Mehan (1992) has argued, “disability is a function of the interaction between educators’ categories, institutional machinery, and students’ conduct. Designations like disability and handicap do not exist apart from the institutional practices and cultural meaning systems that generate and nurture them” (p.13). Operating from this standpoint, the third and final research question sought to explore if *the commonly held perceptions and practices present within the school district’s culture influence the process and decision-making for eligibility.*

When examining school district personnel perceptions, it is important to note two rather distinct but significant operations must occur for an individual to form a perception. When an event occurs, the first operation is sensory whereby information is transformed in the brain into a higher level of information or relating the event into something identifiable. The second phase involves the brain translating that information into something meaningful to that person. In order to something to be meaningful to a person, a perception evolves from a person’s life experiences, worldview and general knowledge, or a belief structure that drives a person’s perception (Sodha, 2006). With this understanding, this study discovered teachers’ belief of what constituted a problem behavior varied considerably. Several studies have pointed to the power of perception for classifying negative classroom behaviors as well as maintaining and/or exacerbating them (Forness & Kavale, 2000; Osher, 2004; Pastor & Swap, 1978; Peters et al.,

2014).

When considering the concept of perception, one must contemplate factors that may contribute to establishing such viewpoints. One factor long known to contribute to teachers' perspectives is *implicit bias*. Staats (2015) defined implicit bias as "the attitudes or stereotypes that affect our understanding, actions and decisions in an unconscious manner. They are pervasive, and they can challenge the most well-intentioned and egalitarian-minded individuals, resulting in actions and outcomes that do not necessarily align with explicit intentions." (p.29). Much research has supported the existence of implicit bias and its negative effect on the school environment (Carter, Skiba, Arrendondo & Pollock, 2016; Dovidio, Kawakami, Johnson, Johnson & Howard, 1997; Long, 2016; Markova, Pit-Ten Cate, Krolak-Schwerdt & Glock, 2016; Morgan & Farkas, 2016; Sparks, 2016; van der Bergh, Denesseon, Hornstra, Voeten & Holland, 2010). To point, van der Bergh et al., (2010) found implicit bias (teacher prejudice) to be a stronger predictor of teacher expectations and student achievement than observable explicit student behavior. Not only affecting academic achievement of students, implicit bias has been associated with contributing to disproportionate discipline of African American students (Carter et al., 2016; Markova et al., 2016; McIntosh, Girvan, Horner, Voeten & Holland, 2010; Morgan & Farkas, 2016).

Osher et al. (2004) found "teachers attitudes, perceptions, and understanding of student behavior and teachers' ability to interact with students are mediated by gender, ethnicity" (p. 56). Overwhelmingly, this study reinforced that statement and pointed to cultural differences as the primary reason for African American students referral and identification as emotionally disturbed. Essentially, the values, social norms, and behavioral expectations of the school

community stakeholders (teachers, social workers, administrators) were starkly contrasted to the cultural characteristics of African American students.

As previously noted, the dominant (94%) student population was a minority, Hispanic, with the African American minority comprising approximately 2%. This differs from much of prior research where the dominant student group was usually Caucasian. Interesting to note is even in this situation where ethnic/racial minorities were dominant, the African American student was disproportionally represented in the emotional disturbance category of disability while the Hispanic minority was not. As one school psychologist pointed out, “There is a reserverness that you sometimes expect...especially with a lot of Hispanic kids”. While another administrator remarked, “while our population is 95 percent Hispanic, teachers are accustomed to working with those types of children those types of parents”. Further expounded by a second school psychologist, “They present as one way in the classroom so when there is an outlier who is African American and they might be boisterous or opinionated or might be interpreted as being defiant. Not only were behaviors and behavioral expectations for student populations different, perhaps more significantly, they were not well understood by teachers, which led to misinterpretation of the intent and value of students’ behaviors, a finding corroborating Skiba et al. (2006). Teachers subsequently viewed the other-than-standard behaviors as noxious to the overall classroom environment. Ultimately, the African American student was placed in a position where they were required to adjust and adapt to classroom norms versus teachers modifying their approach to address the cultural characteristics of the students.

While the determination for any child’s eligibility lies in the decision established by a special education evaluation team, it is the school psychologist who holds the greatest influence

in the process. School psychologists are required to adhere to guidelines of both federal and state statutes, as well as those established by their national professional organization, in this case the National Association of School Psychologists (NASP). However, their behavior directly impacts and contributes to the sociocultural environment of the school district based upon the eligibility recommendations at their hands, and it is here that implicit bias may be operating. As an assistant principal stated, “I don’t think that we’re, like pushing for ED labels. I think its one of the labels that we really take our time with and make a good, accurate decision upon it because it’s really hard label for kids to have, especially moving forward in life”. As stated by Morgan and Farkas (2016), bias is “involuntary and usually without any awareness of it.” (p. 10) and occur “despite conscious nonprejudiced attitudes and intentions.” (Devine, et al., 2012, p. 1267). Allan & Hanchon (2013), who conducted research with school psychologists and found, despite best efforts, school psychologists fail to use the maximum critical data sources necessary to make the emotional disturbance eligibility determination. In combinations, such practices “could be a contributing factor in the overrepresentation of minority, low socioeconomic status, and single- parent children in ED programs” (Allan & Hanchon, 2013, p.297).

One final challenge affecting the sociocultural environment of the school district concerned the social maladjustment exclusion of the eligibility criteria and determination. The exclusion definition and criteria has been long-noted to be imprecise, ill defined, is not agreed-upon by either scholars or professionals, and often overlaps with the emotional disturbance definition and criterion. The confusion and overlap of behaviors evident in this study corresponded to that which has plagued professionals for decades. In this case, school psychologists were compelled to tackle this opacity by creating criteria checklists or rubrics as a

tool for the emotional disturbance assessment. Since there was no desire to determine emotional disturbance eligibility arbitrarily, they also opined the ethical dilemma especially because of the long-term effect of the label. Such uncertainty has subsequently been manifested by the practice, over time, of identifying students demonstrating internalized behaviors as emotionally disturbed compared to identifying social maladjustment by presenting externalized behaviors (Kaufman et al., 2004; Skiba & Grizzle, 1991). Further, this ambiguity lends itself to subjective interpretations guided by personal beliefs.

The cultural reproduction viewpoint of special education disproportionality states “everyday actions by institutions and individuals, conscious or not, support and reproduce both racial and socioeconomic inequity and school and society (Skiba et al., 2006, p. 1449). Since the objective of this study was to identify and understand the social elements influencing decisions which result in disproportionality, it was found to uphold research endorsing a cultural reproduction position of disproportionality (Ahern, Fergus & Nogura, 2011; Artiles, 1998; Artiles et al., 2010; Bowles & Gintis, 2002; Coutinho & Oswald, 2000; Mehan, 1992; Oakes, 1982; Skiba et al., 2002; Skiba et al., 2006; Skiba et al., 2008). Consistently, each respondent expressed discriminatory conduct by teachers, administrators, and even school psychologists, both conscious and unconscious (implicit bias), as contributing to excessive referral and determination of African American students as emotionally disturbed. Even in an overwhelmingly minority school district, African American students continued to be identified as a minority thus contributing to racial imbalance and, ultimately, inequitable treatment and education.

While the existence of cultural difference in and of itself does not mean those differences

are a problem, it becomes a challenge only when those differences are used to justify discriminatory actions. Time and again research, including this study, has illustrated the dissimilarity between the values, social norms and expectations of the school community and students as a primary factor in the over identification of African American students as emotionally disturbed. Combined with an imprecise definition and eligibility criteria, one must question the veracity of emotional disturbance as a disability or if it was created to serve a function above and beyond aspirations of special education legislation.

Limitations

Even though this study was conducted with best intentions of fidelity and adherence to the ethical upholding of the mixed methodology design, it is not without flaw. Mixed methods studies, like all research designs, possess inherent issues and concerns that must be acknowledged. Since no study is without bias or imperfection, there were several factors that have been identified as potential limitations to this study, especially the qualitative phase. Potential limiters for this study consisted of issues of sample size, generalization, and researcher bias.

The qualitative phase of the study utilized a single case study format (single sample size) with participants of a single school district. Arguments have been made that a single case cannot promote generalizability because one cannot establish causation. In spite of this substantial methodological concern, Mertens (2009) argues generalization can, in fact, occur because of the information generated from and provided by a single case study as well as provide the opportunity to both generate and test hypothesis. Critical to note, absence of statistical inference does not diminish the value of the single qualitative case study. Rather, it provides information

that may otherwise be unavailable due to the methodology used. Onwuegbuzie, et al., (2009, p. 17) concur and further state this process had propensity toward generalization, recognized common patterns and was best suited for identifying patterns in a small number of cases, such as in this study.

In this study, only one of the six eligible school districts opted to participate in the qualitative phase. This, of course, could be due to several dynamics including the district's desire to not discuss what may be perceived as implementing inappropriate processes and/or perpetuation of racial discrimination. Despite support suggesting a single case study can generate important information as well as generalize, caution should be given interpreting the results of this study given the single sample. Recall that merely one school district out of 116 for the county participated, not allowing for the vast variation in school district demographics and/or levels of disproportionality (or lack thereof) that may affect the viewpoints of the respective staff. What can be derived from the study is preliminary information implying there may exist a more social dimension to the referral and eligibility process for students identified as emotionally disturbed than research has previously indicated.

One serious concern when conducting interviews is the potential for interviewer bias of participants' responses (Kvale & Brinkmann, 2008; Mertens, 2010; Schwandt, 2007). Although bias is inherent in all research, it is especially concerning in qualitative studies where personal experience between researcher and participant is paramount (Schwandt, 2007). Case studies have also been criticized for the potential for researcher bias, implying a less rigorous research methodology. Despite the small sample size, information generated from a case study has been found to outweigh statistical significance, especially since case studied most often investigate

social facets of a particular query. Mertens (2009) reinforced this position and proposed “qualitative methods are better suited to making causal inferences because they do not reduce complex social phenomenon to one or more numbers that can be statistically analyzed (p. 293)

Critical to note is this researcher’s professional position in relation to interview participants. In the capacity as lead special education administrator for several school districts, the possibility existed that this researcher would confront a participant with whom a professional relationship had been previously established. While this did not occur, careful consideration was given to prevent a situation where “‘insider’ investigators may limit their curiosities so they only discover what they think they don’t know, rather than opening up their inquiries to encompass also what they don’t know they don’t know” (Chenail, 2011, p. 257). To counter this potential concern, this interviewer, as recommended by Roller (2012), maintained a log of each interview in effort to be sensitive to prejudice or subjectivity as well as noting how such prejudice can influence the outcome. Interestingly, there have been those who purport that recognized bias may in fact benefit a study by highlighting some aspect and can contribute to a “multiperspectival construction of knowledge” (Kvale and Brinkmann, 2008, p. 170).

Another concern for bias with this researcher was the potential to focus on the culpability of district administration in the findings. Since this researcher is also a district administrator, potential bias may exist regarding interpreting the role of building and district administrators in the referral and eligibility process. In this role, personal experiences with building administrators and how they supervise staff and, subsequently, the intervention, referral and eligibility processes has, very naturally, led to strong opinions about building leadership. Further, as a special education administrator, this researcher was well-versed on best practices, which can

negatively impact analysis and interpretation of the qualitative information. This level of bias was immediately evident and was addressed by journaling to speak to subjectivity and counter any potential bias.

Implications for Practice

The purpose of educational research is to develop new ideas about and improve implications for educational practice. In this case, focus was placed on how to better address the disproportionate representation of African American student in the special education eligibility of emotional disturbance. As aforementioned, this phenomenon is prevailing and its preservation requires a concerted effort on the part of multiple stakeholders. Thus implications for practice must consider a multifaceted approach if elimination of this phenomena is to occur.

The first consideration in the eradication of special education disproportionality must be at a national and legislative level. Recall the definition and eligibility criteria for emotional disturbance were originally established in the 1950's as part of a study for the California state board of education and have been soundly in place since the inception of ECHA in 1975. Since not one change or modification has been performed since the 1950's, it behooves us to revisit the definition and criteria to ascertain if they continue to be relevant as well as practical for practice. Fraught with well-documented inherent subjectivity, the definition and criteria have not served students well and required operationalization in order to sufficiently eliminate longstanding issues, including and most significantly disproportionality. It is important to recall the thirteen eligibilities (originally and presently) incorporated into the federal definition were established from efforts of parent advocates, not empirical evidence (Maag & Katsiyannis, 2008). Therefore, if emotional disturbance is to continue to be considered a special education eligibility

determination, revised operationalized definition and criteria need to be established incorporating empirical evidence. Forness & Kavale (2000) assert the original seriously emotionally disturbed definition is “no longer reflective of more recent educational research or clinical diagnosis” (p. 265). Practice cannot improve if the basis for emotional disturbance eligibility determination continues to remain imprecise. It is essential, minimally, to identify how best to recognize and address students whose behaviors negatively affect their educational achievement.

Is it possible to change an individuals’ and/or environments’ social culture including values and social norms? In order to ensure equitable instruction within the classroom and school environment, it is critical for school districts to commit to culturally responsive pedagogy as well as addressing implicit bias within the school environment. It is common for the leaders in public education to vacillate professional development of initiatives according to a “flavor of the month” of instructional and behavioral trends, strategies, and best practice. Most often, teachers receive professional development on educational trends through workshops or trainings. However, much like educating students in a content area, true learning or change doesn’t occur after a few hours of lecture. Culturally responsive pedagogy requires a systemic, systematic, and robust commitment from all levels of a school community (school board, superintendents, principals, etc.) and includes daily, weekly, monthly on-the-job coaching and practice throughout the school year.

To address the issue of implicit bias, staff must first acknowledge the existence of, which can be accomplished through tests of implicit bias to uncover unconscious preferences on the basis of gender, race, sexual orientation or other aspects of identity (Morgan & Farkas, 2016). Fortunately, evidence indicates strategies are available to break the prejudice framework (Carter

et al., 2012; Devine et al., 2012; Mzrkova et al., 2016; Morgan & Farkas, 2016; Solórzano & Yosso, 2002; Staat, 2015). Continuing current practices will only serve to maintain African American students over identified as emotionally disturbed. For any social change to occur, a dedicated effort from the entire educational community to adapt to the needs of all students versus our students adapting to culturally divergent perspectives and perceptions.

The future of education is driven by new teachers entering the work force with skills and abilities designed to be on the cutting edge of student instruction. In order to affect new teachers entering the profession, colleges and universities must also commit to a robust instruction on culturally responsive pedagogy and tackle implicit bias. It is not uncommon for beginning teachers have limited knowledge and experience in areas such as special education and classroom management. This limited knowledge and experience as well as unconscious bias directly affects how they establish their personal classroom expectations and norms. To guarantee fair, equitable, and ethical instruction of all students and change any social dynamic presently existing, it is critical to thoroughly prepare student teachers for the complex variables affecting public education, especially urban public education. Suggestions to ensure student teachers are adequately prepared include intergroup contact, exposure counter stereotypes (Staat, 2005), memory sharing (Long, 2016), and counter storytelling (Solórzano & Yoss, 2012). Although not always feasible, devising student teachers participation in experiential opportunities with diverse student populations in preparation for their future service as educators.

Future Research

While this study was not the first to address the issue of disproportionality of African American students in special education, specifically in the eligibility of emotional disturbance, it

has sought to combine key components of those that are strictly quantitative, providing data rich information, and qualitative, providing experience-rich knowledge. This study did not resolve the issue of disproportionality, but merely provided a microcosm of possibility for scholars and practitioners to address and effect change with the African American student population. Since we know outcomes for African American students identified as emotionally disturbed range from poor to abysmal, we have the ethical obligation as educational service providers and scholars to find ways in which to dismantle and rectify this problem. Stemming from what had been learned from this and previous research, further inquiries are necessary to help address and, hopefully, eliminate the prevailing issue of disproportionality.

This study performed the qualitative phase of the mixed method design with one school district (single case study). While research methodology community supports the merit of a single case study, a larger scope of study would prove beneficial. Included in this effort should be greater variety of school demographics such as racial/ethnicity composition, region (urban, suburban, rural), socioeconomic status, and school performance (low versus high performing). Expanding the scale of research will undoubtedly lead not only to increased sample size, allowing parametric statistical analysis, but also richer and more diverse information regarding the social dynamics of disproportionality.

Similarly, it would be advantageous to include school positions/titles above those used in this study interview process. For this study, the primary positions as respondents were school psychologists, administrators (district- and building-level) and a social worker. Despite each position's heavy involvement in the referral and eligibility process, including a larger scope of school personnel will afford greater depth and a more global viewpoint of the social complexities

contributing to disproportionate representation. Additional positions should include general education teachers, special education teachers, building principals, parents, and students, whose perspective is immeasurably unique and typically revealing, thus allowing researchers to find ways to incorporate into daily practice.

It is common for teachers, or anyone for that matter, to be consciously unaware of preconceptions or bias of students' behaviors based upon their personal cultural experiences and expectations. However, it is imperative for teachers to understand the relationship between their worldview and outward response to behavior of students, especially those from differential cultural backgrounds. Jordan (2005) remarked, "The persistence of overrepresentation speaks clearly to the need to address the question of how difference is constructed and addressed within the context of schools" (p.131). Therefore, continued research is required to more fully examine the relationship between teachers' perceptions and implicit bias of student behavior and their responses to student behaviors. As important, teachers must assess their willingness and feasibility of perceptual change. It is one thing to determine that teachers' perceptions influence their behavioral responses to students, but this is far different from implementing processes and procedures to change that relationship. Greater research needs to be conducted on strategies, interventions, and practices employed with teachers to alter or modify perceptions and implicit bias of and responses to student behavior so as to not support a cultural divide that have pervasively promoted and supported disproportionality.

Finally, if we hold the assumption that college and university teacher education programs commit to culturally responsive instruction, it is therefore necessary to assess longitudinal effects of practices in the applied classroom setting. Effecting culture (and, in this case, social change)

in any organization is time consuming and takes more than marginal effort. However, it is necessary for those training educators to participate in this transformation to have truly impactful change. Training student teachers must include more than instructional strategies and attend to the social facet impacting the daily teaching experience. Teaching methodology can be, and has been, taught since the inception of teacher's colleges. However, the true nature of working with other individuals needs to incorporate differences of culture, race, gender, religion, socioeconomics, and sexual orientation to guarantee equitable service provision. As such, research is needed emphasizing a social curriculum of teacher education, focused on the complex nature of working with a wide variety of students, thus leading to an increased culturally responsive pedagogy and decreased disproportionality.

Summary

Humans' interpretations of the world produce social reality; shared understandings among people give rise to rules, norms, identities, concepts, and institutions. (Klotz & Lynch, 2007). Jones (1996) stated disability as socially constructed is a perspective that relies on recognizing "much of what is believed about disability results from meanings attached by those who are not disabled and challenges the assumptions upon which those meanings rest" (p.349).

This study has demonstrated, when discussing the disproportionate representation of African American students as emotionally disturbed, the primary contributor to referral and eligibility were differences between the social norms and cultural perspectives of the school environment power brokers and those of students. While the existence of cultural difference in and of itself does not mean those differences are a problem, it becomes a challenge only when those differences are used to justify discriminatory actions. Time and again research, including

this study, has illustrated the dissimilarity between the values, social norms and expectations of the school community power brokers and students as a primary factor in the over identification of African American students as emotionally disturbed. Although results echo that of abundant research, there has been little impact on practice, and therefore, disproportionality persists. Like any social construct existing within the national populous, it is critical to first accept that practices utilized in school environments are driven by social and cultural undercurrents. Unless acknowledged, change cannot be enacted. Only then can African American students be afforded the same opportunities as their counterparts. “In many ways, disproportionality is a modern form of segregation, separating Black and Latino students from educational opportunities and outcomes afforded to their White peers (Ahram, Fergus & Noguera, 2011, p. 2258).

APPENDIX A
RISK RATIO EQUATIONS

Risk Ratio Equations

The following risk equations referenced in the Methods for Assessing Racial/Ethnic Disproportionality in Special Education: A Technical Assistance Guide (Revised) will be used in the analyses (Bollmer, Bethel, Munk, & Bitterman, 2011). The general equation for the alternate risk ratio to determine disproportionality in this state is (Bollmer et al., 2011, p. 30):

$$\text{Alternate Risk Ratio} = \frac{\text{LEA level risk for racial/ethnic group for disability category}}{\text{SEA level risk for comparison group for disability category}}$$

The general equation for the weighted risk ratio to determine disproportionality in this state is (Bollmer, et al., 2011, p. 42):

$$\text{Weighted Risk Ratio} = \frac{(1-p_i)R_i}{\sum_{j \neq i} p_j R_j}$$

Where R_i is the LEA-level risk for racial/ethnic group i , and p_i is the SEA-level proportion of children from racial/ethnic group i . R_j is the LEA-level risk for the j -th racial/ethnic group, and p_j is the SEA-level proportion of children from the j -th racial/ethnic group.

APPENDIX B

CONSENT TO PARTICIPATE IN A RESEARCH STUDY: SPECIAL EDUCATION

ELIGIBILITY DETERMINATION

Consent to Participate in a Research Study: Special Education Eligibility Determination

You are being invited to participate in a research study investigating the factors that influence special education eligibility determination. You are being included in the study because you have a particular expertise or knowledge of one or many aspects of special education eligibility determination. If you choose to take part in the study, you will be one of 12 to 15 individuals interviewed.

I, Marianne Fidishin, am a graduate student at Loyola University Chicago in the School of Education, Research Methodology program. I am being guided in my research by Dr. Terri Pigott of Loyola University Chicago.

I am conducting this study to inform research that will constitute my doctoral dissertation. The objectives of the study are to determine It is the purpose of this study to investigate the following queries: 1) what is the likelihood of overrepresentation of Black/African American high school students special education eligibility across education institutions; 2) within the recommended assessment framework, what criteria are used to determine the special education eligibilities of *mildly cognitively impaired* and *emotional disordered*; and 3) what institutional practices are followed and how might these practices influence special education eligibility. With this research, I hope to get a clearer understanding of factors that impact the disproportionality of special education eligibilities.

Your involvement in this study will consist of a face-to-face interview that will include 10-15 open-ended questions and will last approximately 30 to 60 minutes. The interview will be recorded with a digital voice recorder to aid the accuracy of the study. All interview questions are related to the special education eligibility process and your involvement in that process. As such, the material covered in the interview is not likely to pose any risk, psychological, emotional, legal or otherwise.

All involvement is completely voluntary and you do not have to answer any questions with which you are uncomfortable. Moreover, you may choose to end the interview at any time for any reason.

There are no costs associated with participating in the study. There is no tangible reward offered in association with participation in this study. However, your time and effort in contributing to the study are greatly appreciated.

In order to provide more credibility and utility to the study, I ask your permission to use your actual name and other defining characteristics in subsequent reports. These reports may be included in my doctoral dissertation, published in various scholarly journals, and/or published as part of special education advocacy efforts. If you agree that I may use your actual name and

other identifying information, please initial to indicate your consent:

If you indicate that you prefer identifying information to be concealed or altered in subsequent reports, I will keep private all research records that identify you. However, I may be required to show information that identifies you to people who need to be sure I have done the research correctly: these would include people from Loyola University Chicago.

In addition to the initial interview, I may want to contact you with follow-up questions and/or concerns that arise as the study progresses. Again, your involvement in such follow-up efforts is completely voluntary and you may respond in any capacity with which you feel comfortable. If you agree that I may contact you in the future with follow-up questions/concerns, please initial to indicate your consent: _____

Before deciding to participate in the study, please ask any questions and/or share any concerns that come to mind now. Later, if you have any questions, concerns, suggestions, or complaints about the study, you may contact me at mfidishin@luc.edu. You may also contact my faculty advisor, Dr. Terri Pigott of Loyola University Chicago at (312) 915-6245. If you have questions about your rights as a research participant, you may contact Loyola University's Research Compliance Manager at (773) 508-2689. You may keep a copy of this consent form for future reference.

Please indicate your agreement to participate in this study as explained above by signing below:

Signature of person agreeing to participate in study

Date

Printed name of person agreeing to participate in study

Date

Name of authorized person obtaining informed consent

Date

APPENDIX C
INTERVIEW QUESTIONS

1. What is your role in the district?
2. How long have you worked for this district?
3. Can you explain your background and experience?
4. Explain the process of eligibility-from start to finish-in this district.
5. Who is the person that initiates the initial referral for eligibility?
6. For those students in middle school, what percentage of students come to 7th grade with an emotional disability eligibility versus those identified in middle school?
7. Discuss the fidelity and/or consistency of intervention implementation.
8. Explain the types of behaviors that are most observable in those students referred and identified as emotionally disabled.
9. Do you currently employ a positive behavior system in your school? Is there fidelity/consistency in it's implementation?
10. Discuss the influence of parents in the eligibility process.
11. Discuss the influence of administration in the eligibility process.
12. What is the demographic of your teaching staff?
13. What is the demographic of your student population?

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VITA

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